The American Political Science Review

Vol. III FEBRUARY, 1909 No. 1

THE RELATIONS OF POLITICAL SCIENCE TO HISTORY AND TO PRACTICE

PRESIDENTIAL ADDRESS, FIFTH ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

THE RIGHT HONORABLE JAMES BRYCE

Ladies and Gentlemen, Members of the Historical and Political Science Associations:[1]

Whether or no it be true, as someone has said, that with words we govern men, it is at least certain that when a name has once passed into common speech it becomes a fact and a power. The term Political Science seems now generally accepted and your Association has by its very title expressed the opinion that Politics is a science. Nevertheless, to prevent misconception, we may properly ask "What sort of a science is it?" The mathematical sciences are described as exact sciences: and so too are such departments of knowledge as mechanics and physics. The laws and conclusions of these sciences can be expressed in precise terms. They can be stated in numbers. As the facts which these sciences deal with are the same everywhere and at all times, so the relations of those facts which we call Laws are of universal application. That being so we can predict their action and rely upon them to be the same in the future as they have been in the past.

Evidently Politics is not a Science in this sense of the word.

There are, however, also sciences less perfectly developed, such for instance as Meteorology. The phenomena of the atmosphere belong

[1] This address was delivered at a joint meeting of the American Political Science Association and of the American Historical Association, held at Washington, D. C., January 28, 1908.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to the sphere of inanimate nature in which laws are universal and permanent. They are laws of the same kind as those which have been shown to exist in other departments of physical enquiry. But meteorology is not yet an exact science in the same sense as mathematics or mechanics, the facts it deals with being still imperfectly known, because our opportunities of observation are insufficient. We know that the weather tomorrow will be the result of certain factors which are present today, viz: facts of temperature, direction of the wind, quantity of vapor present in the air, electrical currents, and so forth, but we are not able by the most elaborate system of observation to arrive at a complete knowledge of these facts and hence we cannot with certainty predict what the weather will be tomorrow. Meteorology therefore, although exact in one sense, because its data and its laws are certain and capable of being expressed with complete precision, is for practical purposes still inexact, because the data at any given moment are too incompletely known to admit prediction.

Is Politics a science in the sense in which meteorology is? Its subject matter,—and this remark applies also to Economics,—is, like the subject matter of meteorology, imperfectly known to us. The data of any political problem at any given moment cannot be exhausted by observation, just as at present we are not yet able to exhaust by observation the facts needed for predicting tomorrow's weather. But the difference between Meteorology and Politics goes deeper. In the former the data and the laws, though at present imperfectly known, could, if we knew them much more fully, be set forth in a definite and precise form. In the latter, however, the laws, even if we knew far more about them than we do, would still remain incapable of definite formulation. We could never express them in the terms of numbers. Human phenomena may be described, but cannot be counted or weighed as you can count and weigh natural phenomena. The factors or forces which go to make the weather can, when known, be stated with precision. We can measure temperature and humidity and the force of the wind, but when we say that the passion of a mob was hot we cannot say how hot it was. We may say that in a political crisis the opinion of a cabinet or a senate will have weight, but we cannot define how much weight. Such terms as heat and weight are metaphors drawn from natural science, terms which although con-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

venient, are altogether vague and inexact. Emotions, opinions and the other factors which influence politics are not the subjects of computation. Accordingly, in calling Politics a Science we mean no more than this, that there is a constancy and uniformity in the tendencies of human nature which enable us to regard the acts of men at one time as due to the same causes which have governed their acts at previous times. Acts can be grouped and connected, can be arranged and studied, as being the results of the same generally operative tendencies.

The data of politics are the acts of men. The laws of political science are the tendencies of human nature and are embodied in the institutions men have created. These tendencies are in so far uniform and permanent that we can lay down general propositions about human nature and can form these propositions into a connected system of knowledge.

I have made these prefatory remarks lest it should be supposed that the Association is claiming for its subject more than it can properly claim. Now let us see what the materials of Political Science are.

They are the acts of men as recorded in history. In other words they are such parts of history as relate to the structure and government of communities. Political Science takes all the facts that history gives us on this subject and rearranges them under proper heads, describing institutions and setting forth those habits of men and tendencies of human nature which correspond to what in the sphere of inanimate nature we call natural laws. Thus your science may be defined as the data of political history reclassified and explained as the result of certain general principles. It is not any more a science than history is, because its certainty is no greater than the certainty of history. But whereas History takes the form of a record of facts and tendencies as they have occurred or shown themselves in past times, Political Science assumes the form of a systematic statement of the most important facts belonging to the political department of history, stringing these facts (so to speak) upon the thread of the principles which run through them. They are so disposed and arranged as to enable us more easily to comprehend what we call the laws that govern human nature in political communities, so that we can see these laws as a whole in their permanent action and can apply

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

what we have learned from history to the phenomena of today and tomorrow.

Thus Political Science stands midway between history and politics, between the past and the present. It has drawn its materials from the one, it has to apply them to the other. As I am addressing two Associations, which devote themselves, the one to the study of history, the other to the study of political science, it has seemed proper to choose a subject which belongs equally to both.

The questions which we are tonight to consider are therefore these:

1. How may Political Science sift, arrange and dispose in the most philosophical way the data it finds in History?

2. What help can it render to the world by placing its facts and conclusions at the service of statesmen and citizens?

Let us begin with the former of these two questions. Political Science has to be constructed out of historical facts as a building has to be reared out of the stones which have been quarried and placed on the ground. What is the best way of doing this?

I start by offering to you one maxim of universal validity. Keep close to the facts. Never lose yourself in abstractions. Never fancy that a general proposition means anything more than the facts which it sums up. We shall find that it is more profitable to keep to the facts. It is also much more interesting. Has it not often occurred to you to ask—"Why are so many of the treatises on the science of politics and government so dry? Why does the subject make such hard reading?" "Von Mohl and Bluntschli in the last generation, and even such acute and thoughtful writers of our own time as Wilhelm Roscher and Henry Sidgwick—I might perhaps add a still more famous name—John Stuart Mill in his *Representative Government*,—are full of excellent matter and well deserving of study. (For obvious reasons I do not mention living writers.) But they are rather hard reading. May the reason be this, that these writers keep us too much in the field of abstractions and do not sufficiently refresh our imagination by that sense of living color and direct contact with men and events which history gives? All the general propositions and leading principles of politics get their significance and value from their illustrations in the concrete and when severed from these they become not only comparatively lifeless but also less helpful, because we do not grasp

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

their direct application. The best books are those in which we feel ourselves constantly in contact with some human fact or other. Take Montesquieu, for instance, who may be deemed the father of the modern way of treating the subject. He is sometimes wrong in his facts and often wild in his conjectures. But he is always interesting, always suggestive. Tocqueville again, from whom the political philosophy of the last and the present generation took a sort of secondary new departure, rouses and sustains our interest in his theories entirely by his description of the actual phenomena of a constitutional government which he had seen and studied at first hand. His observations are grounded on the facts and derive their point from the facts. Where, as in the last volume of his *Democracy in America*, he leaves the facts to soar into the region of speculation he is harder to follow as well as less instructive. The same may be said of the writings of Burke upon English or Irish affairs, and of that discussion, conducted in a truly philosophical and scientific spirit, of an actual political situation which we find in the pages of *The Federalist*, and of Walter Bagehot's well known criticism of the English Constitution and of Albert Dicey's *Law of the Constitution*. I might add that Henry Sidgwick's treatise (*The Development of European Polity*) which deals with politics from the side of history is, if not positively more valuable, yet certainly more interesting than his theoretical book upon politics. The most striking instance of all is, of course, the founder of our science —Aristotle himself. Nobody ever had a greater power of handling abstract ideas with power and freedom. But in his writings on politics the reader feels that the philosopher has always concrete facts present in his mind from which he directly derives his dicta and by which he illustrates his broad generalizations.

If you want your science to be influential you must make the treatment of it, I will not say popular, for that is sometimes taken to mean superficial, but at any rate attractive.

There are two kinds of good books—the book which is sound but dry, and the book which is suggestive and therefore readable but not critical. There is a still better kind which is both sound, critical and suggestive, and to this class Aristotle's famous treatise belongs. There is a worst kind, which is neither critical nor sound nor suggestive, but parades a pseudo-scientific terminology covering mere common-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

places or perhaps fallacies. Examples occur to me of this kind also, but they need not be mentioned.

A revered teacher of mine in the University of Oxford used to give to us youths this maxim for our guidance in the paths of literature, "It is better to be flippant than to be dull."

For what are books written but to be read? Dullness is one of the great evils of this world and it is seldom a necessary evil. Never assume that it is inevitable. Fight against it and you will prevail. If dullness is allowed to infect your science its chances of doing good will be reduced. Many books must, of course, be written for the specialist, which will seem dry to other readers. But even they need not be dull.

That the study is, moreover, more instructive the closer it keeps to facts will appear when we consider the nature of the matter it deals with. Broadly speaking, it treats of Tendencies and of Institutions. The general and permanent tendencies of men in communities are the substratum of all political theory. We learn them from Ethics and Psychology as well as from history. Considered as general and as permanent they are few, and can be briefly stated. But when we come to studying their action at any given time or in any given place it becomes necessary to know the surrounding and modifying conditions which affect them. A particular community may have more or less intelligence, habit of self-restraint, experience in self-government, deference to authority, and so forth. To understand the working in it of the tendencies of human nature we need to know the racial characteristics of the people, their religion, occupations, education, social structure, and in short all that may be called their environment. These we get from history. These are what fill out and give body and substance to the mere skeleton which Psychology and Ethics supply. It is by studying these that we are able to understand what has happened, and to conjecture, though seldom to predict, what will happen hereafter.

Political institutions, by which I mean constitutions and forms of government, representative assemblies, national and local, and such like matters, are the principal subjects with which our science deals. They used to be treated as abstract entities, if the term be permissible: things existing *in vacuo*, like the Platonic ideal, with a definite

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and permanent type. The greatest progress made of recent years has been in perceiving this sort of treatment to be unfruitful. Every institution—say the English parliament or the New England Town Meeting,—must be studied through its growth and in its environment. Now in examining a political institution there are four things to be regarded.

The first is its formal and legal character.

The second is the needs it was meant to meet and the purposes it actually serves.

The third is the character of the men who work it.

The fourth is what may be called the traditional color of the institution itself, i.e., the ideas entertained respecting it by the people among whom it lives, the associations they have for it, the respect it inspires.

Without a comprehension of these three latter the investigation of the institution as a formal legal creation is unprofitable and may be misleading. The essential point is to get hold of the thing in its working. Just as in studying Tendencies, we must see how those tendencies which belong to civilized men generally are modified by the institutions under which the particular community has lived, so likewise in studying Institutions it is essential to see how the varying tendencies of those who work them have modified their character. This reciprocal action is one of the prettiest things in history. The tendencies of the English settlers in New England disposed them to create a scheme of local self-government, developing the germs which they brought with them from the old country, and the Town Meeting of New England was the result. The town meeting formed the habits and trained the aptitudes of the colonists: and these habits determined the type of self-government which grew up in the American States and imprinted a sort of localism upon political arrangements which has remained ever since and has had, together with its many merits, what Europeans deem the unfortunate result of establishing the habit of choosing as members of the State legislature, and ultimately of the federal legislature also, none but persons resident in the area to be represented.

You may ask: Are we then to study everything in the light of everything else? and if so, what limit can be set to investigation?

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The answer is: No limit. Every political organism, every political force, must be studied in and cannot be understood apart from the environment out of which it has grown and in which it plays. Not all the facts of that environment are relevant, but till you have examined them, you cannot pronounce any irrelevant. Aristotle says somewhere that among the Greeks changes in the style of music were always followed by political disorders. It is not an observation which we should make of any modern people, but it doubtless was true then and it may be true again. Competitions in games and athletic sports might seem to lie a good way from political institutions. But no one who studies either England, or Australia, or the United States as they are today can doubt that the present passion for these competitions will, if it continues, gravely affect the political character of these three peoples and the working of their institutions. The dynamics of political society are an infinitely complex subject of study, and therein lies their interest, for everything that happens in the present or will happen in the future may throw some light back into what are now the dark corners of the past.

From among the maxims which might be laid down for the student who wishes to turn political history into political science I select three.

He must be critical: must test his sources of information: never get his data at second hand if he can (without too much expenditure of time) get them at first hand.

He must beware of superficial resemblances. So-called historical parallels are usually interesting, often illuminative. But they are often misleading. History never repeats itself.

He must endeavor to disengage the personal or accidental from the general causes at work. By the Personal Cause I mean the presence of some wholly exceptional man who so much affects the situation as to disturb all calculations. People are wont to say that the time or the need produces the man. That is not true. The man often appears quite outside what people call the natural course of things: and often does not appear when the natural course of things seems to require him. He is, not indeed in reality, for there is no chance in Nature, but so far as our knowledge goes, an accident, i.e., the product of antecedents altogether unknown and unknowable. Only in a broad

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and rough sort of way can we say how much is due to the presence of such a person (or group of persons) and how much to the general causes at work. But we are obliged to try to distinguish the results of his presence, for it affects the value of the conclusions to be drawn from the phenomena as a whole. Suppose that the king of France in 1789, had been such a man as Frederick the Great, or the king of Prussia in 1740 such a man as Louis XVI, how different would the history of Europe have been!

From these and other principles applicable to the construction from historical data of a systematic science of politics, I return to observe once more that the accuracy of the science, its solid value, its usefulness to the world we live in, depend upon the closeness with which it keeps to the data supplied by history. It is not a deductive science any more than it is a branch of speculative philosophy. Some writers have treated it as a set of abstractions. They have tried to create by efforts of thought, and to define, such general conceptions as sovereignty, the State, the origin of political right, the ground of political obligation, and so forth, following the methods of metaphysics and keeping as far from the concrete as possible. So much time and toil have been spent on these discussions, and so many of them have a kind of historical interest as revealing the ideas current three or four centuries ago that we must speak respectfully of them. But what have they given us of substantial worth? How vague and cloudy are many of the German treatises of the last sixty years on the theory of the State? They take the writer's own conceptions for realities instead of starting from the facts and so defining the conceptions as to make them express realities. What can be more windy and empty, more dry and frigid and barren than such lucubrations upon sovereignty as we find in John Austin and some still more recent writers? Is this sort of treatment helpful today either to a comprehension of the facts, which is science, or to the service of mankind, which is statesmanship? Whoso seeks to understand the nature of the State will do better to enquire what forms the state has taken and which have proved best, what powers governments have enjoyed and how those powers have worked. Whoso desires a clear idea of sovereignty will be well advised to throw over artificial definitions, unreal distinctions, idle logomachies, and be content to ask, Where in each state does the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

law lodge supreme legal authority, and is the possessor of supreme legal authority also in fact the actually strongest power?

You will not suppose that I am questioning the value either of systematic treatment or of analytic method. Far from it. It is always necessary to analyze current conceptions and to define popular terms. If half the writers who have talked about Liberty had explained the sense in which they use the word, how many confusions and misunderstandings should we have escaped! He who tries to define the State is forced to analyze and judge between different views entertained of the nature of the state, such as those of the German, such as those of the American type, and in doing this he will learn much, including a good deal of the history of thought. By all means let political philosophers clarify their own minds and stimulate their readers' minds by these analytic processes, so long as they remember that after all they are only dealing with language, and that words ought to be so used as to fit the facts instead of twisting facts to suit the words. So again let the philosophers imitate Plato and Aristotle and many after them in considering what is the best form a state can take, and what the organs through which it must work. But if their enquiries are to be fruitful, their state and its organs will have to be tangible things, such as belong to the field of experience, not chimeras buzzing in emptiness.

Least of all will you, I hope, find in what I am trying to say any disparagement of historical generalizations or political theory. The study of facts is meant to lead up to the establishment of conclusions and the mastery of principles, and unless it does this it has no scientific value. The Fact is the first thing. Make sure of it. Get it perfectly clear. Polish it till it shines and sparkles like a gem. Then connect it with other facts. Examine it in its relation to them, for in that lies its worth and its significance. It is of little use alone. So make it a diamond in the necklace, a stone, perhaps a corner stone, in your building. Let the building be strong with stones fitly compacted; and let it be also smooth and shapely, adorned to please the eye as well as to serve its uses. You do not give fair play to the facts, nor artistic quality to your work unless you so state and connect the facts as to bring out their pictorial and what may be called their human and dramatic interest, whatever it may be, as well as their more strictly

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

scientific interest, not that there is any opposition, for the subject of history no less than of poetry is human nature, and to show the workings of human nature is part of your science. Accordingly, to counsel you to stick to facts is not to dissuade you from philosophical generalizations, but only to remind you—though indeed you as trained students do not need to be reminded—that the generalizations must spring out of the facts, and without the facts are worthless.

Now let us turn to the second branch of our subject and consider the relation of history and politics to life. What is the use of Political Science? Can it be made to serve the practical needs of the time? The question is worth asking, for though Science is justified of all her children and astronomy would fascinate us even if it had no relations at all with human life, still those sciences which approve themselves by works as well as to faith have a stronger claim on the attention of the average man.

Plato, who like all the great thinkers in the sphere of the human sciences, was stirred by the conditions of his own time and sought to be a practical reformer, Plato deemed a mastery of the principles of politics essential to statecraft when he said that states would never prosper till philosophers were kings or kings were philosophers. Yet in the world as we see it the positions of a scientific student of politics and a practical statesman are so seldom united that they are usually assumed to be incompatible, because the qualities needed for excellence in each are seldom found together. Doubtless the gifts which in popularly governed countries bring a man to the highest posts and those which fit him to use most wisely the power he there wields are not the same gifts. I used to ask myself in looking round the British cabinet what sort of help one of the great luminaries of political philosophy would have rendered had he been there. How Edmund Burke or Alexander Hamilton or Alexis de Tocqueville would have thought and spoken, we can imagine, for all three played their parts in the world of affairs, and showed their weak points as well as their strong ones. But Aristotle? Would his majestic intellect have dealt with the emergencies of the moment as the nimble parliamentarian learns to do, and would his counsels on questions of taxation or employers' liability or the policy to be followed towards Russia and Austria and the Turks have been as much wiser than those of his

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

colleagues as he would have surpassed them in range of knowledge and width of view? The man whose mind is stored with historical instances ought to have some advantages for grappling with practical problems. His knowledge ought to warn him from certain dangers and enable him to foresee certain risks, ought to suggest expedients for meeting resistance or getting round obstacles. Everbody accumulates in the course of his career a stock of examples or precedents. To obtain this early in life by systematic study instead of picking it up by degrees ought to ripen faster a man's capacity for political service.

That, however, which concerns us here is not the training of exceptional persons for legislative or administrative work but rather the influence which Political Science can exert upon the whole community.

If in every free country the chief problem of democracy is to make the citizens intellectually and morally fit to conduct their government, this is most clearly so in the United States, where the ultimate control of public affairs belongs to the mass of the people. To enlighten their judgment by a large knowledge of facts, and show them how to draw sound conclusions from facts would be to render an inestimable service. What can Political Science do towards this? To reach the whole people is in any country impossible. But may not the educated classes, or at least a part of them, be so far reached and leavened that through them the nation will be affected?

The means at your disposal are two. One is teaching in universities. Probably more than half of you here present are doing this work. The other is literature. Probably more than half of you have written on the subjects for whose sake we are here assembled. Historical lectures and books no doubt reach but a small fraction even of the educated class. But suppose that they did now or would in time reach a much larger percentage of the voters, what is it that the historical and philosophical matter they contain could do for the bettering of civic intelligence? By influencing through that matter say five per cent, consisting of the most intelligent and educated voters, you would be producing a substantial effect on another thirty, forty or fifty per cent, perhaps indeed on a majority of the voters. What then is it you would aim at doing and hope to effect for this five per cent whose capacity and knowledge enable them to be leaders or instructors of the rest?

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

History and Political Science may do much to inculcate the habit of trying to study and understand the questions a citizen has to vote upon. The persons who in any country and in any class of the community do so try are a minority and indeed a small minority. The old belief that the possession of a vote makes a man competent to judge on public questions,—a belief much more loudly professed than it was ever really held,—this belief is dying, though no doubt it dies hard. Even the notion that common sense, which by the way is not such a common wayside weed as people fancy, is all that the voter needs to take with him to the polls,—this notion is seen to be less defensible the more difficult and complicated do the issues of modern politics become. Doubtless the honest, simple voter is a pretty good judge of a man. He has often proved it in America. Nowhere is the instinct of the people for an upright and courageous character, above tricks or self-seeking, so strong and so true as it is here. But most of the questions that now come before legislatures, and many even of those determined at an election, lie beyond the range of the honest simple voter, for they need ample knowledge and a trained mind. Such minds are none too frequent in any class. The neglect to inform oneself about and reflect on political issues is as common in the bank-parlor or the club smoking-room as it is among farmers or mechanics.

Let me give from my own country two instances of questions which have constantly come before the nation and have been voted upon with very little knowledge of the true facts and of the conditions affecting them.

The relations of Ireland and England have been for two centuries one of the gravest problems of Britain. If the English governing classes had realized how much they could learn from Irish history, if they had studied and been influenced by such writings as those of Edmund Burke upon Irish affairs, if more of them had gone to Ireland to see things there with their own eyes, how different might have been the policies followed!

Of those who in England discuss at public meetings, or at parliamentary or local elections cast their votes upon, proposals dealing with the phenomena of pauperism and unemployment, how few are there who have tried to reflect on the economic principles involved, how few know what experience has to teach us of the results of past legislation

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

on the subjects either in Britain or elsewhere. It may be said that they leave this to Ministers and to their representatives in Parliament or in local authorities. But both these classes are influenced by the wishes which they understand the electors to be expressing by their votes.

I take an instance from the United States.

You have now pretty well adopted the views of those who are called civil service reformers and have at last reversed the unfortunate policy which came to prevail in the generation of President Jackson. The Spoils System is almost gone from the federal civil service and is in other directions beginning to disappear. Had there been a fuller study of how other countries fared when they brought places into politics and how much better they fared when they took places out of politics, the voters and the statesmen of America would have been long ago led to the conclusion now happily reached and much loss and harm suffered meantime would have been avoided.

A further service which the habit of looking at things in a scientific spirit can render is to keep at least a fraction of the community cool and calm at times of excitement. In every country the bulk of the citizens are apt to be swept off their feet by fits of emotion. The habit of reflection corrects this. It steadies opinion, dissuades sudden or violent changes of policy, teaches that reforms made cautiously are usually those that best stand the test of time. Further, he who has learnt how to study history is delivered from the tendency—frequent and mischievous in political discussion—to be carried away by *a priori* reasonings or by phrases and catchwords. The glittering generalities which swayed men in France during the Revolution and were popular both here and in England then and for some time later had their value, for they sometimes embodied important doctrines in a form easy to remember. But they were often fallacious, and as we stand today they are more likely to work harm than good. Instead of helping men to reflect they become a substitute for reflection and are most powerful with the least thoughtful.

Thirdly. In advocating the conservation of natural resources three weeks ago the President of the United States observed that neither the selfish interest of individuals nor the localism of particular communities should be allowed to obstruct reforms which the public

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

welfare demands. Selfish interest and localism are evils not confined to any one country or form of government. They can be overcome only by those large views of national opportunities and national policy, and by that sense of the mischief which they do in facilitating jobs and preventing comprehensive schemes, which a study and grasp of the whole subject create.

So, too, historical training ought to tend to emancipate a man from party spirit. It does not always do so. As the articles of the Church of England say "this fault of nature doth remain, yea in them that are regenerate." We know of not a few historians and philosophers who gave up to party spirit what was meant for mankind. Neither do I presume to disparage party feeling and party organization. We have not yet found how to work popular governments without it: and it is the duty of each one of us who can form an opinion to take a side and as a rule to vote with the side which on the whole he prefers. But the scientific habit of mind ought to enable a man to think for himself and to think liberally and tolerantly, recognizing what is sound in the doctrines of those to whom he is usually opposed and dealing with each political issue on its merits.

Lastly. We live in an age when national sentiment, a thing excellent in itself, has been tending to overshadow and dwarf the regard for humanity at large. In Europe at this moment pride in one's own country, the desire to see her strong, rich and prosperous, with her horn exalted among the nations of the earth, coupled with that spirit of competition which shows itself as a growing force in everything, from the size of navies and the speed of steamships down to athletic contests between football teams,—these things have made men fancy that the greatness of their own country can be secured only at the expense of other countries. They are not content to be strong unless they are evidently the strongest. Many are indifferent to, some even rejoice in, the misfortunes of other countries. Even those whose good sense and good feeling forbid jealousy to carry them so far. seem nowadays to think that patriotism requires them to give all their devotion, all their praise, all their effort to their own country, leaving none for mankind as a whole. Ought there not to be limit to this habit? Might it not be well if the six great nations took now and then a sort of "year off," during which the orators of each nation should

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

refrain from glorifying its gifts and achievements, and should occupy themselves in setting forth the merits and charms of each, or some at least, of the other five? A wide study of politics, like a wide study of literature, tends to correct the excesses of Nationalism. For a political philosopher as well as for a Christian the true spirit is a cosmopolitan spirit, which recognizes the good that there is in all peoples, the contributions each of the civilized peoples has made, the services each may render in the future, the duty to help forward the races that are behind, the gain to each nation from developing the intellectual gifts and material prosperity of the others. To reduce national vanity—apt to flaunt itself in vulgar forms—to soften the arrogance of national pride, to make a people see the good there is in others, even in their rivals, to give them ideals for the whole human race transcending those of any one nation—this is one of the best things that those who have become pervaded by the true spirit of learning and of science ought to seek to do for their fellow-citizens.

So far we have seen that the chief aim of your science is to create in the class which leads a nation the proper temper and attitude towards the questions which from time to time arise in politics. Temper and attitude of mind are so supremely important in the large play of human affairs that to mold them aright is to raise, to broaden and to refine a nation's life.

You may admit this, and yet say: "Is this all that historical and political science can do? Cannot it not descend from general precepts to particular counsels and prescribe the right course to be taken, if not in all, yet in most of the questions that come before a nation? If knowledge is the first condition of efficiency and success, why should not those who possess it be the best advisers of governments and peoples in economic questions, in constitutional questions, in questions of foreign relations?"

I hope you will not think that I am "giving away" your science if I say that it must not be expected to provide authoritative solutions for current problems and controversies. Historical study is a fine tonic for the system, but does not furnish prescriptions for every day ailments. Doubtless the professors of the science are ready to prescribe. Each of us has his view and will defend both his diagnosis and his remedies, drawing arguments for them from his historical storehouse.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

But the professors agree among themselves no more than ordinary politicians do, for when it comes to the interpretation of historical facts and their application to a concrete controversy, each man interprets and applies according to his own personal or party proclivities.

There have been exceptions to this rule in economic questions, at least here in the United States, for in the Free Silver issue almost all the serious students were on one side. Nor do I forget that the weight of educated opinion always was and is very decidedly against the "spoils system" in politics. Still it is generally true that whenever Party comes in at the door Science flies out at the window. During the last half century there have been in England many debates regarding the extension of the parliamentary suffrage, which is now enjoyed by a far larger proportion of the people than it was in 1860. In these controversies, for the question always became a party question, there were about as many historians opposing as there were advocating that extension. So those who make a systematic study of our subject are divided today upon the question of granting the suffrage to women, upon proportional representation, upon the reform of the House of Lords, and in fact upon pretty nearly every current issue.

In the autumn of 1876, after the Bulgarian massacres, there was in England a keen struggle between those who thought that the interests of England required her to support the Sultan and those who held it wrong and foolish to do so. In that autumn I met one day in the street an eminent historical professor who was fond of descanting on the value of history as a guide to politics. We naturally talked of the crisis in the East which filled all minds, and I said "Here is a fine opportunity for applying your doctrines. Party politicians may be divided, but no student of history can doubt which is the right course for the Government to follow towards Russia and the Turks." "Certainly," he replied, "the teachings of history are plain." "You mean, of course," I said, scenting some signs of disagreement, "that we ought to warn the Sultan that he is wholly in the wrong and can have no support from us." "No, indeed," rejoined my friend, "I mean just the opposite."

So it has always been and so it will always be. Rarely will you find a preponderating weight of authority, historical or philosophical, on either side in a political discussion. All that your enquiries and dissertations can effect is to make the discussion more careful, more

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

rational, more temperate, more illuminative than it would be in the hands of ignorant men.

Cherish no vain hopes of introducing the certitude or the authority of science into politics. If you help to create among the most enlightened part of a nation the right temper and attitude, if you strengthen their sense of civic duty, if you enforce the need there is for accurate knowledge of facts and intelligent reasoning from the facts, you will have done as much as can be expected and more than has ever yet been accomplished.

The time-hallowed classification of forms of government divides them into Monarchies, Oligarchies and Democracies. In reality there is only one form of government. That form is the Rule of the Few. The monarch is always obliged to rule by the counsel and through the agency of others, and only a small part of what is done in his name emanates from his mind and will. The multitude has neither the knowledge nor the time nor the unflagging interest that are needed to enable it to rule. Its opinions are formed, its passions are roused, its acts are guided by a few persons—few compared with the total of the voters—and nothing would surprise it more than to learn by how few. Yet the excellence of a democracy largely depends on the extent to which the number of those who really rule by virtue of their intelligence and their activity can be increased, so whatever stimulates these qualities strengthens a democratic government and raises its quality. Had I not detained you too long already I should have liked to develop this thesis. It is now mentioned only to anticipate the objection that even the limited range I have claimed for your study is too wide. To him who tells you it is vain to hope you can reach the multitude you may reply that the multitude is led, here as elsewhere, even if rather less here than elsewhere, by a small fraction of the citizens. To raise the standard of political knowledge and thinking among those men, to give them an always increasing sense of the need for knowing accurately and thinking soundly, if they are to help their country forward, this is your aim and this may well be your achievement.

So much for the practical side of your pursuit. But be the practical utility what it may, the science will flourish and deserve to flourish as a branch of knowledge existing for its own sake, as the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

philosopher says that Virtue is to be loved even though it bring no gain with it.

It is an Experimental Science, for though it cannot try experiments it can study them and note their results. It is a Progressive Science, for every year's experience adds not only to our materials but to our comprehension of the laws that govern human society. In the measureless future that lies before those who will pursue the study in days to come many of our present expectations will be falsified and many propositions now deemed axiomatic may be discredited, for that eternal flux of things whereof Heraclitus spoke may be attributed even more truly to human than to natural phenomena. You here have a wider field for experiment and are trying a greater number of experiments than any European country can try, so you can contribute more to the common stock of knowledge. That the results may be commensurate with the abundance of your opportunities and with the zeal you bring to the use of them is the sincere wish of your friends and fellow laborers in England. We are all laboring together for one another, for science, and for the world, for that future world in which humanity may have learnt so to discipline its passions and so to elevate and refine the sense in each man of his duty to the whole community that it will be able after long ages to create institutions better than any we now possess and to work them in a purer spirit.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE NORTH AFRICAN QUESTION AND ITS RELATION TO EUROPEAN POLITICS

GEORGE FREDERICK ANDREWS

Membre de l'Institut de Carthage

In 1905 the storm-center of European politics shifted definitely to Morocco, and from the Moroccan situation resulted a new alignment of the powers based primarily upon the political necessity of France.

To comprehend the North African situation and its relation to European politics we must understand that upon the future of Morocco depends the future of a French colonial empire approximately the size of Europe.

In his preface to the *Voyages au Maroc* of de Segonzac, Eugene Etienne, Député d'Oran, Vice-President de la Chambre des Députés, Président du Comité du Maroc, says, "Il est de toute évidence que de la solution qui sera donnée a la question Marocaine dépend l'avenir même de notre pays. Il ne s'agit pas ici d'un de ces territoires plus ou moins riches, plus ou moins désirables, au sujet desquels les transactions et les partages sont possibles. Les énormes sacrifices que nous avons faits en Algérie et en Tunisie peuvent se trouver annulés si la solution qui intervient n'est pas conforme a nos intérêts et à nos droits. Ces droits, a la fois historiques et vivants, nous les tenons de Bugeaud et de Lamoricière, de notre armee d'Afrique et de nos colons d'Algérie. Quelle puissance européenne pourrait en présenter de semblables?"

France assumed control of Tunisia as a desirable measure to assist in the pacification of Algeria and the south. She must control Morocco as a necessary measure to make permanent that pacification.

In Northern Algeria and in Tunisia the Europeans number some 10 per cent of the population. In Tripoli and in Morocco the percentage of Europeans is still very small. The native population consists of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Berbers, Arabs, Negroes (the last nearly all slaves or descendants of slaves), Jews, and those of mixed descent from these races.

The Berbers are the original people of the country, as far as we have any definite records. They were of Asiatic origin, but in course of time they have mixed their blood with that of Phœnicians, Romans, Vandals, Negroes and Arabs.

The Arabs came into the country almost immediately after the death of Mohammed and in what are now the states of Tripoli, Tunisia and Algeria, conquered and hold in subjection a considerable portion of the Berbers. Certain Berber tribes fled before them into the Sahara, and either took up permanent abodes there or continued to lead a nomad life. Still others fled to inaccessible parts of the mountains and maintained their independence absolute until the French conquest.

In the country which we now call Morocco, there was little question of conquest. The Arabs were unable to drive out or to conquer the Berbers, and the Berbers were unable to keep out the Arabs and finally the two races settled down to live side by side.

The Berbers and Arabs have never to any great extent intermarried. They have both been more ready to mix their blood with that of their Negro slaves than with each other.

One thing must not be forgotten: The Berbers of all the Barbary states, conquered or unconquered, finally adopted some form of the Mohammedan religion, and the proclaiming of a religious war is the one thing that could bring these various people to act together.[1]

The Kabyles and the Chaouia, the Mozabit tribes, the Touaregs of the desert, and the Riffians of northern Morocco, are only some of the more important Berber tribes.

The Jews are strongly intrenched as the merchant class. The Jewish influence, politically, is strongly on the side of France. France gave them freedom and security and citizenship in Algeria, and the Jews of Morocco look for the time when French control of that country will give them the same benefits.

In 1830 France began the conquest of Algeria. Today it is a French

[1] M. Moulieras, professor of Arabic at Oran, has reported the discovery of a tribe of Berbers, the Z'kara in the Djebel Z'kara, who are not Mohammedans. The Djebel Z'kara is about thirty kilometers from Oudjda.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

colony under a governor general with very ample powers. It is divided into the three provinces of Oran, Algiers and Constantine, each of which sends its senators and deputies to the national senate and chamber of deputies at Paris.

On the whole, the French treatment of the natives has been judicious and the French authorities have the support of the influential native leaders in Algeria. Large numbers of Arabs and Berbers are in the government employ. Many of them are in positions of great responsibility, and they have shown themselves capable, intelligent and faithful. The two famous bodies of native troops, the Spahis and the Tirailleurs (commonly called Turcos), are invaluable to the government, and rank with the best fighting material in the world. The lower grade Arabs of the town are inclined to be lazy as well as dishonest; but the better class are usually fine, able men. The Kabyles, the principal Berber people of northern Algeria, are less intelligent than the Arabs and they are certainly dirty; but they are hard-working, honest and hospitable.

In local affairs France has granted a considerable representation to the native population and has endeavored to extend the right of suffrage so far as possible without sacrificing French control. In 1870 the Jews, as a class, were given full rights of citizenship.

France is thoroughly awake to the value of Algeria, and great efforts are now being made to encourage and assist the right sort of colonization. The present governor general and his predecessor are both men of exceptional ability and experience, and they have worked hard for the welfare of Algeria. Fortunately they have been quite of one mind in their policy. M. Jonnart is now serving for the second time in that office; he preceded M. Revoil, as well as succeeded him. M. Revoil was able to serve his country most efficiently at the conference at Algeciras.

Tunisia, although nominally a protectorate, is as truly French as Egypt is English. The native population corresponds in character and in distribution very closely to that of Algeria. The percentage of Jews is considerably larger.

The commerce of these two countries approaches 1,000,000,000 francs a year and is increasing rapidly, largely owing to French enterprise in developing the possibilities of the "Hauts Plateaux" and of the Sahara.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The native situation in Morocco is most complex. Nominally it is ruled by an absolute monarch, but his sway is actually limited to a small area. Politically Morocco is peopled by the Bled-el-Makhzen,[2] the submissive tribes, and the Bled-es-Siba, the unsubmissive tribes. The number and extent of the submissive tribes, or of the unsubmissive, depends upon the prestige of the sultan at any given time. Normally the people of Morocco city, the southern capital, of the region round about, and of the central and western part of the country north to Fez, the northern capital, could be counted on to keep decently quiet and remain loyal. The people of Fez and of the country about there are more turbulent, and have always needed to he held in restraint. The Riff country to the north, the mountainous sections to the east, and the regions crossed by the Atlas in south Morocco have never been more than nominally tributary to the sultan.

Just now the situation is bad from any point of view. In 1902, Bou Hamara, the rogui, who was engaged in a revolt against the sultan, gained sufficient power to be a decided menace. In that year he had prayers said for himself in the city of Taza, in the mountainous country east of Fez, thereby practically claiming imperial rights. From that time, with varying fortune, he held Taza and the surrounding country against the forces of the Makhzen. The rogui, a shrewd native of the lower class, by posing as the leader of the anti-foreign element kept himself at the head of a considerable power.

The Sultan Moulay Abd-el-Aziz was struggling to suppress this rebellion when he was suddenly called on to face the far more important revolt under his brother, Moulay Hafid.

After the close of the conference at Algeciras the report was spread in Morocco that the European powers had agreed to allow France to assume control of that country, and that the sultan had sold out to the French. This report was partly due to the large loans made by France to the sultan, but it is claimed by French authorities that German intrigue had more to do with the matter. The state of unrest throughout Morocco rapidly approached anarchy. The anti-christian feeling became intense, and attacks upon Europeans were of constant occurrence.

[2] The term Makhzen signifies the central government in a broad sense. It includes the whole ruling class.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The new and decidedly anti-christian sect, the Goudhfiya, an offshoot of the ancient confraternity of the Quadrya, became especially troublesome. The assassinations of Coppolani and of Lieutenant Fabre have been laid directly to the Goudhfiya. I shall have more to say of the Mohammedan confraternities.

The long series of anti-European outbreaks culminating in the attempted massacre at Dar-el-Baida, or Casa Blanca, resulted in the French occupation of Casa Blanca on the Atlantic and of Oudjda near the Algerian frontier. But France has consistently refused to take any steps looking toward the conquest of the country.

The cause of Moulay Hafid gained steadily. He was originally supported by a number of tribes who were opposed to Adb-el-Aziz because of his friendliness to Europeans. Continued successes brought to Moulay Hafid increasing numbers from the independent tribes, always ready to fight for the sake of spoil on the side of the victorious. In February, 1908, he was proclaimed sultan at Fez. In August he decisively defeated Abd-el-Aziz and was proclaimed sultan in Tangier.

The secret of the inability of Abd-el-Aziz to crush the revolt under Bou Hamara, and the more important one under his brother was lack of funds with which to pay campaign expenses. His treasury was empty, and even his oft-pawned family jewels had been for some time in the hands of the bankers. With sufficient funds at his command he could have again become master of the country, that is, so far as he ever had been master of it.

Moulay Hafid must play a very shrewd game. To maintain his authority over the tribes he must continue to appear decidedly anti-European in his feelings and his policy. On the other hand he must have money and the money must come from Europe. Also he knows that Morocco must submit to such reforms as have been decreed by the conference of the powers.

So much for the internal situation.

To France, and to France alone, is Morocco of vital importance. In the interests of her African possessions she must eventually control the country, and she must be left free to work out the problem in her own time. That she desires or is likely to attempt to take control at once is most improbable. Practical considerations, demand that she postpone that day as long as possible. But have it she must eventually

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and rather than suffer serious interference with her plans in this direction she would be compelled to accept the alternative of war. The European policy of France was therefore shaped to secure the support of the European powers for her Moroccan policy. The first important point was gained when England, which had been the dominant European power in Morocco, agreed to withdraw in favor of France and actively to support the French claims. France has carefully guaranteed the commercial interests of all the powers, in Morocco, from any interference on her part; and aside from these considerations, the only special interest of England is in not permitting any power to fortify the heights on the African side opposite Gibraltar. Her agreement with France makes her secure in this.

The powers having considerable commercial interests in Morocco are France, England, Germany and Spain, in the order named. The relative percentages of the total trade of Morocco with these powers for the years 1904-05-06 are shown in the following table compiled from English and French sources.

	1904 PER CENT	1905 PER CENT	1906 PER CENT
France and Algeria	28.0	39.2	50.3
England	41.6	32.0	28.8
Germany	12.5	11.7	8.4
Spain	6.8	5.2	4.5

The trade of Morocco is naturally drifting to France and Algeria, because France and Algeria are best able to supply the goods wanted in Morocco and offer the best outlet for Moroccan exports. All of the powers interested have accepted as satisfactory and final the assurances of France that there will be no interference on her part with the policy of the open door in Morocco.

Little difficulty was experienced in securing for the French program the assent of the powers, except in the case of Germany.

Spain, while desiring to secure Morocco for herself, realized that she was in no condition successfully to oppose France, and that in the end she would gain more by supporting the French position.

The Mediterranean policy of Italy had been a failure; here the Triple Alliance had been of no assistance to her. Her desire to secure a foothold on the northern shore of Africa was very great, and her dis-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

appointment over losing Tunisia to France was keen. In fact, long after the French protectorate was established in Tunisia, Italy dreamed that she might eventually get that country away from France by mere force of numbers. Indeed, a few years ago the Italian colonists outnumbered the French by four to one; the proportion now is less than five to two. Italy has given up any hope of Tunisia, and has fastened her attention upon Tripoli. France and England are both willing that she should have it, as the payment for supporting their plans in the rest of North Africa. Neither France in Algeria and Tunisia, nor England in Egypt, would be willing to see the other power in control of Tripoli, but would rather welcome an Italian colony as a buffer state. Here, then, was the basis of an agreement.

Austria could be counted on to support whatever position should be taken by Germany, and Russia to support France.

Germany had no important interest in Morocco. Her commercial interests were comparatively small, and they were amply protected by the policy of the open door. Her interests were indirect. First of all, she wished to assert herself and to show that Germany could not safely be left out in any international agreement. If France had not undertaken to ignore Germany in developing her Moroccan policy, Germany would never have openly opposed France in the matter. Also, she wished to find out the actual scope of the Anglo-French agreements. Thirdly, she hoped to sell her acquiescence in North African affairs for support or concessions elsewhere. One particular point where she wanted assistance, and especially French assistance, was in the Bagdad railway matter.

Germany holds from Turkey exclusive concessions to build a railway line, in effect joining Scutari with the Persian Gulf by way of Bagdad. The original idea was to raise 40 per cent of the necessary capital in Germany, 40 per cent in France, and the rest wherever possible. This plan failed. The next plan was to secure 30 per cent in Germany, 30 per cent in France, 30 per cent in England, and 10 per cent in Belgium or elsewhere. All materials for the road were to be bought in Germany, all contracts were to be given to Germans, and the work was to be done generally by Germans. In view of the fact that the securities of the road could hardly be expected to be profitable for a considerable period, the English bankers declined to consider the offer,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

as there were no profits to be seen for anyone except Germany and Turkey. In case the proposed road was made an international affair, English capital could probably be secured. The French capitalists contented themselves with discussing the matter. The political aspects of the case must also be considered. Russia was opposed to the project. The road might at some time interfere with her political expansion in that direction. This was an added pressure on France to keep out of the business. Germany has been quite unable to finance the undertaking for herself. She is apparently forced to make it an international affair and to give up her exclusive privileges, or else to secure the necessary financial assistance from France. No other country is in a position to furnish it.

It is significant that following the close of the Algeciras conference German papers intimated that, in view of Germany's attitude in refraining from further opposition to the French program in Morocco, it might be expected that France would take a different attitude in regard to the railway matter and assist Germany in that undertaking.

By the Algeciras conference France lost nothing, and Germany gained nothing except the assurance that France had the thorough support of England and that Austria alone was willing to vote for the German proposals. The anger of the kaiser when he found that Italy, the tail of the Triple Alliance, had joined the French camp is a matter of history.

The present policy of Germany is extremely simple. On the one hand, while openly accepting as justified and necessary the work of repression carried on by France, with the assistance of Spain, she is by constant insinuations endeavoring to make it appear that France is stirring up trouble in Morocco to find excuse for interfering in the internal affairs of that country. On the other hand, Germany is actually doing, unofficially, all in her power to make the French position so difficult in North Africa that France will be more amenable to German reason elsewhere.

There are three possible courses of action open to France. First to refrain from interfering with the internal affairs of Morocco in any way. This would result in a protracted state of anarchy and a general attack upon everything European. Second, to support the sul-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tan actively with French troops. This would result in a protectorate and in a war of conquest, for which, as I have said, France is not yet ready. Third, to furnish the sultan with sufficient funds to enable him to make his position secure for the present. This would make possible the situation until the time is ripe for France to move in Morocco as she moved in Tunisia in 1881. When that time comes France will have no difficulty in finding excuses or reasons.

If a war for the conquest of Morocco could be confined to Morocco the affair would not be so serious. But such might not be the case. It is too probable that a sacred war would be proclaimed throughout North Africa and that the tribes of the Sahara and of the Soudan, Arab and Berber, from the Atlantic to the Red Sea, would join in a crusade against all the Europeans. Northern Algeria and Tunisia are now too firmly held for such a crusade to be a serious menace there, but on and south of the "Hauts Plateaux," which separate the fertile region of the north from the Sahara, the results would be disastrous. Well aware of such a possibility, France is, as rapidly as possible, making preparations to meet such an eventuality.

The responsibility for a religious crusade would lie with a power far more potent than any sultan. I speak of the so-called Mohammedan confraternities. These secret orders resemble the monastic orders of the middle ages in Europe. They cover all North Africa, including the Sahara and the Soudan, western Asia and Turkey. In Morocco, Algeria and Tunisia there are twenty-four important orders represented, and these countries are dotted with their zaouias or chapters. In the Sahara and the Soudan there are over one hundred and fifty important zaouias. Several of these orders date from the time of Mohammed. In power and influence they have grown steadily. Some are distinctly militant, and Europeans familiar with the situation believe that they only wait their opportunity to join in a general war to drive the foreigners out of North Africa.

On July 6, 1906, Sir Edward Grey called attention in the House of Commons to the unrest and the antagonism to Europeans which were evident, not only in southern Egypt but throughout the Soudan and the Sahara and stated that these indications were too important not to be given careful attention.

We know that the Snoussya has been most active in opposition to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Europeans in the southern Sahara from Lake Tchad to Timbuctou, and in the region west and northwest of that city. Duveyrier tells us that since 1848 every insurrection in Algeria has been due to the Snoussya. While many others, as the Rahmanya and the Derkaoua, are almost fanatically anti-European, there are a few that have been most friendly. The order of the Tedjinia, which is influential in the northern Sahara and in Morocco, was most helpful to Duveyrier and to Colonel Flatters. The order of Moulay Taieb, of which the Shereef of Ouzzan is the head, is also friendly to Europeans. But in this case we remember that the house of Ouzzan is bound by strong ties both to England and to France.

We find, then, that France has to reckon with a power vastly more important than it was at the time of the conquest of Algeria. To protect herself from the possibilities which I have outlined, France is moving rapidly and effectively. Her object is to secure such control of the boundary between Morocco and the Algerian Sahara, and of the Sahara itself, as to prevent any disturbance in Morocco from spreading beyond its borders and to be able to localize any attempt at uprising in the desert. To effect this, lines of military posts are being established throughout the Sahara connecting in effect Algeria and Tunisia with Lake Tchad and the French Congo, with Timbuctou and French West Africa, thereby binding together the entire French colonial empire in North Africa. When we consider that the territory which France is trying to control is equivalent to some three thousand miles from north to south by as much from east to west, the whole occupied by millions of warlike peoples, we can realize the difficulties of the situation.

Back of the French army is coming the railway. Foot by foot it has advanced from Oran to Ain Sefra, to Duveyrier, to Beni-Ounif, and is now beyond Bechar, scarcely one hundred miles from the oases of Tafilet in southern Morocco. Soon another stage will be accomplished toward its goal of Timbuctou, where it will connect with lines to the French ports on the Atlantic. Not commerce but political necessity is pushing the railway south. It is the railway which will give to France the control of the Sahara, and security for her African possessions.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE PROBLEM OF THE CHINESE IN THE PHILIPPINES

RUSSELL M'CULLOCH STORY

The close of the war with Spain in 1898 and the cession of the Philippines to the United States brought to this country a number of serious and difficult problems in the islands other than those immediately connected with the exercise of governmental control over them. Not the least among these problems was that which concerned the presence of the Chinese and the question as to their future admission or exclusion from the islands. An attempted solution was reached in the extension to the islands in September, 1899, of the exclusion laws of the United States. These laws are based upon the limited treaties of 1880 and of 1894, both of which modified the general treaty of 1868. The latter treaty provides for the free admission of Americans to China and also for the unrestricted entrance of the Chinese to the United States. At the time of the agitation against the incoming of the Chinese in the seventies, negotiations were commenced with China which in the treaty of 1880 secured her consent for a limited suspension of the admission rights of the Chinese to the United States. A similar concession was obtained from China in 1894, limited to ten years in its operation. Since the expiration of this treaty China has claimed that the provisions of the treaty of 1868 obtained, while the United States has contended that the treaties of 1880 and of 1894 abrogated the rights of the Chinese to free admission to United States territory. This contention of the United States is obviously forced and without sufficient basis either in theory or in fact, and the interpretation is maintained solely because of the weakness of China and her inability to prevent the United States from ignoring her protests. This attitude of inattention would hardly be assumed toward a more able and aggressive nation.

Notwithstanding these facts it may be assumed that the sentiment in the United States on the question of Chinese exclusion is so strong that any treaty which provides for the free admission of the Chinese must

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ultimately be nullified in one way or another. But the problem in the Philippines is a great deal more complicated if a policy of exclusion is to be carried out. Such a policy can even be seriously questioned as to its basis in wisdom, equity and necessity, economic or political. Although frequently expelled from the islands by the Spaniards the Chinese had been enjoying comparative freedom during the last fifty years of Spanish rule. The restrictions which were imposed did not constitute any real exclusion. The number of the Chinese in the Philippines had increased at a wonderful rate and their activity had been such as to aid materially in the advancement of the business interests of the archipelago. Hence, when by military order the United States policy of exclusion was made operative in September, 1899, the Chinese minister, Mr. Wu Ting-fang, entered an immediate protest. As early as February of the same year Mr. Wu had inquired of Secretary of State Hay as to "what policy the United States government intends or is likely to adopt in dealing with the question of Chinese immigration to the Philippines." Mr. Wu in this memorandum pointed out that while the treaty of peace had not yet been ratified, the United States was in control; that the trade between China and the Philippines was centuries old and very large; that there were many Chinese in the Philippines as artisans, farmers, traders, merchants, bankers, etc.; that the treaties of 1880 and 1894 relating to exclusion pertained only to the North American continent, and there only because of peculiar labor conditions which did not obtain in the Philippines.[1] In his protest in September Mr. Wu called attention to the fact that the exclusion was unwarranted as a military measure; that it was a departure from the announced policy of the president to leave the status quo until congress should determine the relation of the Philippines to the United States; and that it was an injustice to the Chinese subjects in the islands and would disturb the relations between the two governments. Having received no reply from Secretary Hay, Mr. Wu protested again in November and still again in December, calling particular attention to the exclusion of merchants and others of the exempt classes specified in the treaty of 1894. In a communication dated May 7, 1900, Mr. Wu makes the statement that the presence of the Chinese in the Philippines

[1] See complete correspondence in Document 397, 1st Sess., 56th Cong.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

is indispensable to "the proper development of those islands." He also observed that this was the unanimous testimony of American and European travelers and students.

Apparently, however, the American government was from the first determined on a policy of exclusion. The report of the Schurmann commission in 1899 stated that the problem of Chinese immigration as affecting commerce and business "is serious and demands consideration." It was also emphasized that the natives opposed the coming of the Chinese.[2] In the testimony submitted to this commission during its sittings in Manila, Mr. Neil MacLeod, the representative of the London *Times*, suggested that the entrance of the Chinese be restricted by means of a tax.[3] The memorandum of Mr. Gabriel Garcia Ageo, also submitted to this commission, concludes that the Chinese had been unduly protected by Spain to the detriment both of Spain and of the Philippines; that the losses to the islands had been considerable, for the Chinese consumed imports from China. He suggested three measures of restriction: first, impose heavy duties on Chinese goods; second, impose heavy duties on opium; and third, prevent the Chinese from engaging in agriculture. Mr. Ageo laid stress, however, on the fact that the Chinese fill a need in the Philippines, especially in the cities and in the performance "of unhealthy tasks."[4]

The charges which were urged against the Chinese being admitted to the islands and which formed the basis for the action of the United States military may be summarized as follows:

(1) They remit their earnings to China;[5] (2) they practice cheating and deception in trade and business;[6] (3) they intermarry and the halfbreeds are troublesome;[7] (4) the influence of the Chinese is generally degrading;[8] (5) the Chinese do not bring their wives to the islands.[9]

The dilemma with which the United States government found itself

[2] Report of the Schurmann Philippine Commission, vol. i, pp. 150–159.
[3] *Ibid.*, vol, ii, pp. 48, 49.
[4] *Ibid.*, vol. ii, p. 432 et seq.; p. 444.
[5] *Ibid.*, p. 17.
[6] *Ibid.*, p. 18.
[7] *Ibid.*, pp. 187–190; p. 19.
[8] Report of the First Philippine Commission, vol. ii, p. 178.
[9] *Ibid.*, p. 55.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

confronted was a trying one. The one horn consisted of a desire to satisfy the demands of the labor element in this country and of the Filipinos by the adoption of a policy of exclusion; the other of a demand on the part of contractors of labor, the Chinese government, the Chinese residents of the islands, and of numerous travelers in the archipelago for at least a restricted admission. It was then generally admitted, and is so still, that the free admission of the Chinese would greatly hasten the development of the islands. But the real issue at stake then and now and the question which must be most fully considered is whether or not the presence of the Chinese is essential to the best development of the Philippines. This is the problem which the United States has tried to solve in adopting the slogan of "The Philippines for the Filipinos." And working on the basis that the islands can be better developed, or at least as well developed, by the Filipinos alone as with the aid of the Chinese, a rigid exclusion policy has been adopted, reinforced by a system of registration which admits of the deportation of all Chinese found in the islands whose names are not registered. All who enter and leave the islands are accurately measured and descriptions taken so that evasions of the laws are practically impossible. These measures have been made possible by three successive steps on the part of the United States: first, the military order extending to the Philippines and enforcing there the exclusion of the Chinese as in the United States; second, the enactment of congress in 1902 establishing exclusion; and third, the enactment of the Philippine government in 1903.[10]

The passage and enforcement of the above laws has not, however, done away with the immense sentiment which favors the admission of the Chinese to the islands. Consequently agitation has not ceased upon the question, and, while the policy of the United States has remained unchanged, a candid consideration of the problem is timely. One of the first questions which will arise in any discussion is, What has been the record of the Chinese in the islands? Before the American occupation the record of arrivals and departures of the Chinese shows an increase of 36,250 in the five years from 1889 to 1893. In the first five years of American occupation from 1899 to 1903 the excess of

[10] Bulletin of the Bureau of Labor, no. 58, May, 1905, p. 861.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

arrivals over departures was but 8624 and this entire excess came in the first three years of the period, the excess of departures during the last two years of the period being 122.[11] The arrivals have slightly exceeded the departures since 1903, but the Chinese population in the islands may be said to have become practically stationary by 1901. The census of 1903, published in 1905, shows that there are in the islands 41,035 Chinese, though private estimates go up to 100,000.[12] Under Spanish administration an effort was made to admit the Chinese only for purposes of unskilled labor, the lower kinds of service, and for agriculture. The immigrants were forbidden to engage in any trade, art, industry, or commercial occupation. Chinese imported for the raising of tobacco were not taxed. But in 1877 there were only 197 Chinese engaged in agriculture in the islands. In 1879 a Spanish writer says that the Chinaman could at will leave Manila without food, light, or clothing, for he had monopolized all the retail commerce. He also adds that not a Chinaman devoted himself to agriculture.[13] The fact of the matter seems to be that the history of the Chinaman in the Philippines is very similar to what it has been elsewhere—he will engage in the lower grades of occupations only when forced to do so. Hence the utility of the Chinaman for performing the less desirable tasks in the industrial development of the Philippines may well be questioned. To use him in such lines means the countenancing of contract labor or peonage, both of which would be contrary to the principles of American administration. However, in work on public improvements such as road building the Chinese have been extensively used even since the American occupation. Mr. N. W. Holmes, chief engineer of the United States Philippine Commission in 1902 says that "1000 Chinamen at one peso per day are worth more than all the labor Luzon could furnish at the rate of board alone."[14] Mr. Robert McGregor, city engineer of Manila, claims that the Chinese laborer will do 20 per cent more than the Filipino and require less superintendence.[15] Lieutenant J. H. Rice of the ordnance department, U. S. A., states that the Chinese are

[11] Bulletin of the Bureau of Labor, no 58, May 1905, p. 859.
[12] Census of the Philippine Islands, 1905, vol. ii, p. 14.
[13] Bulletin of Bureau of Labor, no. 58, May, 1905, p. 860.
[14] Report of the Philippine Commission (1902), part i, p. 157.
[15] *Ibid.*, p. 177.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

superior to the Filipinos in skill, ability and steadiness.[16] Mr. J. F. Norton, the chief civil engineer, wrote in 1903 that there was no possibility of finishing the proposed railroad lines except by the importation of Chinese or other foreign labor.[17] In 1902 Governor William H. Taft reported that the Benguet road engineer and the merchants of Manila both favored a foreign labor supply, inferring the natural source of such supply, the Chinese.[18] The development of the Philippines demands a labor supply and the lack of a sufficient supply is conceded to have retarded and is today retarding the development desired. Chinese coolie labor seems to meet the requirements. But as already explained the Chinese will not remain at this labor except by penal contract. They do not even seek it voluntarily because the real wages paid for the lower grades of work performed is no higher in the Philippines than in China.[19] At best it might be a little higher, but would not serve to attract great numbers of Chinese. However, contract labor will not be tolerated. Thus with no inducement offered the Chinese coolie and his being protected from forced labor the prospects of a large influx of this class of Chinese, even were they unrestricted, would not be threatening. Today there are almost none of this type of Chinese in the islands.

The position of the Chinaman in relation to agriculture has been touched upon. The futility of any expectation that the Chinese will go into agriculture to any great extent is shown in the census figures for 1905, when of the total Chinese population in the islands but 602 could be classed as agriculturalists or 0.048 per cent of the total agricultural population of the archipelago.[20] Less than 1 per cent of the Chinese were agriculturalists.[21] Therefore no plea for the admission of the Chinese as a means of developing agriculture seems to be well supported by the present attitude of the Chinese now in the islands toward agriculture. In this particular the facts would seem to warrant their exclusion, for in reality no injustice is being done to them nor indeed to the interests of the Philippines.

[16] Report of the Philippine Commission (1902) part i, pp. 257–258.
[17] *Ibid.* (1903), vol. i, pp. 404, 405.
[18] *Ibid.* (1902), part i, pp. 23, 24.
[19] Bulletin of the Bureau of Labor, no. 58, May, 1905, p. 870.
[20] Census of the Philippine Islands, 1905, vol. ii, pp. 894, 895.
[21] *Ibid.*, p. 118.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The place occupied by the Chinese in some of the other walks of life, especially those requiring skill or business ability, is clear. In manufacturing and mechanical pursuits the Chinaman is generally conceded to be "a more efficient workman than the Filipino."[22] He excels in shipbuilding, machinery making, repair work, rope making, textile manufacturing, and furniture making. Some of these industries suffer continual depression in the Philippines because of the competition with the Chinese, particularly with Hongkong, Shanghai, and other great Asiatic ports. This competition must limit the extent to which manufacturing can be successfully and profitably carried on in the islands, even should Chinese labor be freely admitted. Recourse must be had to the aptitude of the Filipino for machinery and the superior industrial organization under American control. Of the present number of Chinese in the Philippines a total of 6710 are engaged in manufacturing and mechanical pursuits, which is 0.69 per cent of the total number of people in the islands engaged in similar occupations, and 16 per cent of the number of Chinese in the islands.[23] Inasmuch as a great many of those in the Filipino ranks who are classified under this head are women who engage in weaving and other home production, the real importance of the Chinese in the manufacturing and mechanical industries is probably greater than the figures will actually show. But on the whole their influence is not of such importance as to warrant any conclusions as to the necessity of the Chinese for the best and fullest development of the islands. If the tariff policies of the Philippine government or of the United States should radically change then the conditions would be altered, but there is little prospect of such an extreme modification in the situation and hence the tariff policy may be omitted from this discussion.

Of the Chinese in the islands almost 24 per cent are engaged in domestic and personal service.[24] Over 7.2 per cent are cooks. Yet this classification of Chinese comprises only 1.7 per cent of the total population engaged in such tasks.[25] Their superiority is hardly ever

[22] Bulletin of the Bureau of Labor, no. 58, May, 1905, pp. 858, 859.

[23] Census of the Philippine Islands (1905), vol. ii, pp. 894, 895.

[24] *Ibid.*

[25] *Ibid.*, p. 118.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

questioned and they are much preferred to the natives.[26] But the demand for Chinese in personal service and the degree of their superiority in such work is not sufficient to warrant either a demand for their free admission or their exclusion, except as some better reason may thus be supplemented.

There are eighty-seven Chinese in the Philippines engaged in professional activities, only 0.84 per cent of the total number of persons in such pursuits.[27] Thus this sphere of activity may also be eliminated as a basis for any conclusions that they are necessary for the best development of the islands. Of the number of persons engaged in unknown or unproductive occupations the Chinese furnish but 0.04 per cent, which however, was 3.07 per cent of the total Chinese population. But over 55 per cent of this class of Chinese were women.[28] Therefore, so far as these figures mean anything they show that the Chinese are a self-supporting independent element in the population.

For the real part played by the Chinese in the economic life of the Philippine Islands one must look at the figures which in the census taken in 1903 are grouped under the head of Trade and Transportation. (See tables, p. 900). Under this division are classified 23,364 Chinese, comprising 10.26 per cent of the entire number of those thus occupied.[29] As merchants the Chinese stand preëminent, 33.9 per cent of them being so classified, while 14.7 per cent of them are salesmen and 2 per cent are clerks.[30] It is suggested that the only reason why the Chinaman has so widely gone into commercial life is because he cannot compete with the native labor, especially the unskilled workmen. This at least has been inferred from the fewness of the agricultural workers after a half century of practically unrestricted admission to the islands prior to American occupation.[31] The Chinaman is feared in commercial circles. The census report says that the "Chinaman in Manila, with his gainful instincts, indifference to surroundings, persistence and

[26] Mrs. Campbell-Dauncey in her work *An English Woman in the Philippines*, p. 176, claims that despite Governor Taft's praise for the Filipinos, Mrs. Taft preferred and employed Chinese servants.

[27] Census of the Philippine Islands (1905), vol. ii, pp. 894, 895.

[28] *Ibid.*

[29] *Ibid.*

[30] *Ibid.*, p. 118.

[31] Bulletin of the Bureau of Labor, no. 58, May, 1905, p. 869.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

greater skill, has always been largely in evidence and ready to compete successfully with the Filipinos in nearly all trades and drive them to occupations of lower and less profitable kinds."[32] This suggests a different idea, viz: that the Chinaman will not compete with the Filipino unskilled labor because he can do better in commercial lines of

TABLE I.

This table shows the occupations of the Chinese in the Philippines as classified in the Census of 1905.

	Male.	Female.	Total.	Per cent of total number in same class.
Agriculture	601	1	602	0.048
Professional work	86	1	87	0.34
Domestic and personal	9,696	107	9,803	1.70
Trade and transportation	23,330	34	23,364	10.26
Manufacturing and mechanical	6,670	40	6,710	0.69
Unknown or unproductive	688	843	1,531	0.04

Cf. Philippine Census, vol. ii, pp. 894–5.

TABLE II.

This table shows the total number of natives and of Chinese in the different occupations.

	Natives.	Chinese.
Agriculture	1,162,108	601
Professional work	21,155	86
Domestic and personal	420,044	9,696
Trade and transportation	120,004	23,330
Manufacturing and mechanical	234,970	6,670

Cf. Philippine Census, vol. ii, pp. 894–5.

activity. An American lumber merchant is opposed to the admission of the Chinese, saying, "They drive Americans out of business."[33] Even an European mercantile employer of labor on a large scale says, "As to Chinese, so long as they are allowed in the country only as

[32] Census of the Philippine Islands (1905), vol. iv, p. 432.
[33] Bulletin of the Bureau of Labor, no. 58, May, 1905, p. 865.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

laborers, it might not be so bad; but if they are to go into business, like they do now, as soon as they have saved a little money it would be a very bad thing."[34] Another American merchant says, ". . . . if the Chinese are allowed, they might drive all the Americans here out of the islands by their competition."[35] When these statements are considered the animus for the exclusion of the Chinese from a commercial point of view becomes more evident. In Manila the Rozario, a broad street and one of the principal thoroughfares, is occupied chiefly by Chinese shops and is a busy place.[36] The principal traders in Iloilo, the second seaport in the islands in importance, are Chinese or Chinese mestizos.[37] The Chinese form the intermediaries between the foreign merchants and the natives, being trusted by the latter.[38] By means of bamboo freight boats the Chinese are able to reach far into the interior with their commerce. The manner in which they have won the confidence of those with whom they deal has been one of the chief sources of their success.[39] The fact of the matter is that the Chinaman threatens, in the Philippines as in other parts of the Orient, to become the master of the entire field of trade and transportation except in so far as he is restricted from so doing. This dominance is what is really feared. Coupled with the prejudice against the Chinese in the United States, the hatred felt by the high class Filipinos toward him because of his commercial superiority has led to the extension of the exclusion laws to the islands and to their being made even more strict than in this country. Whether or not this exclusion is justifiable cannot, however, be fully determined until other factors are taken into consideration.

The place of the Chinaman socially and as a citizen is important in determining his claim for free admission to the Philippines. Is he a desirable addition to the elements of population there? As a rule the Chinaman is content to leave political life alone as long as he is permitted to make a livelihood on an equality with others. The Chinese

[34] *Ibid.*, pp. 862, 863.
[35] *Ibid.*, p. 863.
[36] Directory of China, Japan, the Philippines, etc. (1898), p. 499.
[37] *Ibid.*, p. 531.
[38] Census of the Philippine Islands, vol. i, p. 39. Also Bulletin of Bureau of Labor, no. 58, May, 1905, p. 858.
[39] H. M. Wright, *Handbook of the Philippines*, pp. 218, 219.
[40] F. W. Atkinson, *The Philippine Islands*, pp. 261–263.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

will even submit to many repressive measures and not complain. They do not aim at citizenship as we understand that term in the United States. In the Philippines the Chinese are after profits primarily. They do, however, make homes and mingle freely with the Filipino races. Marriages with Filipino women are frequent. In fact the Chinese are often preferred as husbands. They make more money, are liberal with it to their families, and they are sober and industrious.[40] But in general the Chinese return to China to spend the profits they have accumulated in the islands, leaving no social impress upon the community in which they have lived except a negative one, unless the conclusion be accepted that the teaching of such habits as gambling, adulteration of goods, etc., constitute such an impression. In part this failure of the stronger race to greatly influence the weaker is due to the early and continued contact of the Filipinos with Europeans.[41]

Among the elements of the problem which require consideration are the racial differences and capacities of the Chinese and the Filipinos. The Chinese are described as frugal, industrious, persistent; the Malays and the Spanish as not so.[42] The contention is urged that the Filipino race is weak and lacking in virility. Thus stimulus is needed which the American will not supply by marriage, but which the Chinese will.[43] The Chinamen of the Philippines are different from those of the laundry class in the United States. They can read and write.[44] "It must be tantalizing for the keen, industrious Chinese to be almost on the soil of this Eldorado of lazy natives and high wages. . . . . The Chinese make their own and their employers' fortunes," writes one observer in describing the precautions taken and in criticising the manner in which the crews of the Chinese vessels are guarded to prevent their landing in the islands.[45] The Chinese coolies never refuse work, are reliable, and never complain, is the testimony of another.[46] The Chinaman "does not build up industries nor introduce improvements. He is a reactionary rather than a progressive character in both an industrial and a

[41] J. A. LeRoy, *Philippine Life in Town and Country*, pp. 36–38.
[42] A. J. Brown, *New Era in the Philippines*, p. 79.
[43] *Ibid.*, pp. 82–87.
[44] *Ibid.*, p. 80.
[45] *An English Woman in the Philippines*, p. 176.
[46] *New Era in the Philippines*, p. 34.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

civic sense. . . . . The Chinese opposes while the Filipino welcomes the introduction of labor saving machinery."[47] The Chinese cannot give incentive and initiative to the working people for they "do not possess the progressive qualities themselves."[48] Such are some of the varying estimates of the Chinese as workingmen and as citizens in the economic and political life of the people of the Philippines. Similar divergences in the estimates of the abilities and characteristics of the Filipinos are prevalent. "The Filipino is ready to adopt new ways of doing things."[49] The native labor is indolent and its efficiency lessened by a propensity to gamble.[50] The Filipinos are "ready to work for a sufficient inducement."[51] "Our Filipinos have been faithful, without bad habits prejudicial to their integrity." They have made extraordinary progress in the industrial virtues.[52] The Filipino possesses "very little saving instinct."[53] "It only requires a little diplomacy to make these people (Filipinos) industrious."[54] All witnesses agree that the Filipino has a great knack of imitation and aptitude for handling new kinds of machinery, etc. One employer accuses the Filipinos of being shirkful, sly, deceitful, devoid of energy, preferring lying to telling the truth, ignorant, lazy and lacking in judgment.[55] Another speaks of them as without skill or desire to become skilled, as not efficient, systematic, rapid or trustworthy, and as hard to teach these qualities.[56] The variety of testimony considered seems to justify almost any conclusion. Much more could be offered, about half of it favorable and the rest unfavorable to the Filipino. One thing must be noted—the harshest words against the Filipino come from United States army engineers, men of army training and used to handling men in industry as soldiers are handled. Where the native has been studied, his peculiarities and demands considered, the words concerning him as a

[47] Bulletin of Bureau of Labor, no. 58, May, 1905, p. 862.
[48] *Ibid.*
[49] *Ibid.*
[50] *Ibid.*, p. 864.
[51] *Ibid.*, p. 866.
[52] *Ibid.*
[53] *Ibid.*, p. 867.
[54] *Ibid.*, p. 868.
[55] Mr. Holmes in Report of the Philippine Commission (1902), part i, pp. 153–158.
[56] Mr. Rice in Report of the Philippine Commission (1902), part i, pp. 257–258.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

laborer are much more encouraging and support the hope that the islands can be rapidly and well developed without the importation of foreign labor. Writing in 1903, Mr. Taft says that as conditions settle the Filipino can be made a good laborer, not so good as the American or Chinese, but one with whom it will be possible to carry on great constructive works.[57] He cites statements from H. Krusi, vice-president of the Atlantic, Gulf and Pacific Company, who was successfully using native labor and who thought that though the Chinese would expedite the development of the islands, yet in the end they would do injury.[58] It is worthy of notice that while Chief Engineer Holmes of the Philippine Commission was one of the most severe in his condemnation of the Filipino as a laborer, his successor, Major L. W. V. Kennon, has looked favorably upon their work. The Report of the Philippine Commission in 1906 is very optimistic of the future of native labor and sees the chief difficulty in securing competent supervision. The work of the Filipino on the railroads, in the shipyards, on the street railway lines, on the farms and in mining is upheld and praised.[59] "The Filipino expends energy enough to make the country a garden . . . . but it is not properly directed."[60]

So much then for the respective merits of the native and the Chinese labor. The contentions over the question are so diverse as to preclude any dogmatic conclusions, but it is at least evident that the case against the Filipino has not been adequately and sufficiently proven. Hence he should be given a liberal opportuntiy to demonstrate whatever ability he may possess.

The attitude of the natives toward the Chinese ought to be considered in the adoption or rejection of a policy of exclusion. With few exceptions the Philippine inhabitants are opposed to the free admission of the Chinese. As early as 1903 Mr. Taft wrote that it would be a "great political mistake" to admit freely the Chinese laborers.[61] Industrially the natives hate the Chinese.[62] Dr. Victor S. Clark reports that

[57] Report of the Philippine Commission (1903), vol. i, pp. 54, 55.
[58] *Ibid.*
[59] Report of the Philippine Commission (1906), vol. ii, p. 69; vol. iii, p. 776.
[60] *Ibid.*, vol. ii, p. 496.
[61] *Ibid.* (1903), vol. i, pp. 54, 55.
[62] *The Philippine Islands* (Atkinson), p. 261.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"no Filipino was found, whether employer or employee, who wished the present exclusion policy amended."[63] Again he says, "All Filipino employers and employees interviewed . . . . were opposed to the admission of the Chinese on any terms;" and "a plebiscite of all persons in the Philippines would appear almost unanimous in favor of the present exclusion laws."[64] The native opposition, indeed, is not questioned. To a certain extent, therefore, the Filipino is imbued with the idea of developing the islands himself and for himself and unquestionably it would be inviting political opposition for the United States to throw open the country to exploitation by any other race of laborers.

In addition to the opposition of the Filipino people themselves to any change in the exclusion policy, the American merchants in general and many in particular are avowedly opposed to the free admission of the Chinese. It must be admitted, however, that there is a diversity of opinion among American employers, especially as between military and civil employers. The sugar planters unanimously oppose any change. The demand for the admission of the Chinese is analyzed as being confined to two principal sources and as being localized in these. The sources are the American employers just mentioned and the European employers, the latter, excepting those of the mercantile class, being practically unanimous against exclusion.[65] The shipbuilders are mentioned as being the most clamorous for the admission of the Chinese. The American Chamber of Commerce sent a representative to Washington in 1903 to urge the modification or repeal of the exclusion laws, but to no avail. Since that time the agitation in this body has died down to a great extent.[66] The chamber of commerce also included the Spanish, English, and German interests. The principal points urged in favor of the desired admission of Chinese labor are: (1) Labor is scarce; (2) the Chinese are necessary for the business development of the islands in order through skilled labor to preserve certain industries already established and to enable others to be undertaken successfully against Chinese competition on the mainland, and through unskilled labor to build roads and public improvements and work in mines and

[63] Bulletin of the Bureau of Labor no. 58, May, 1905, p. 861.
[64] *Ibid.*, pp. 896, 897.
[65] *Ibid.*, pp. 862, 863.
[66] *Ibid.*, p. 863.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

agriculture especially in the thinly settled and remote districts;[67] (3) and finally the Chinese are necessary in order to make the Filipino work.[68] Admittedly the manufacture of hemp and shipbuilding have suffered somewhat because of competition with China. This has been offset to a large extent, however, by the protective tariff of 1905 which is now in force. The necessity for unskilled labor is not made plain. And as for the presence of the Chinese being an incentive for the native to labor the burden of the testimony seems to show that the pressure of such competition forces the Filipino downward. According to an investigation made as early as 1593 the Chinese competition in the islands caused a cessation of native industry.[69] Testimony to the same effect has been previously cited in this discussion and was based on experience since American occupation. Besides the extreme scarcity of native labor is a difficulty which has apparently been overcome in large measure, for in 1906 Mr. Dean C. Worcester, secretary of the interior for the Philippine Commission, states in his annual report that the supply of Filipino labor is abundant and satisfactory at very low prices.[70] Other testimony is plenty to show that employers can get all the native labor they desire and that they are constantly replacing the Chinese with natives as rapidly as the latter become sufficiently skilled.

Subordinate to these more important considerations are objections to exclusion based on the difficulty of executing the policy due to the proximity of China and the desire of Chinese stowaways to land in the islands.[71] The idea is also urged that it is better for the Malay to let the coolie do the lower grades of work and the native himself aspire to higher things.[72] The debt to the Chinese for their having taught the natives long ago many of the things they now know about industry and commerce;[73] the contention that only by the admission of the Chinese can the United States ever be recompensed for what the islands have cost this country;[74] that the influx of the Chinese would really be a

[67] Report of the Philippine Commission (1902), part i, pp. 21, 22.
[68] Bulletin of the Bureau of Labor, no. 58, May, 1905, p. 863.
[69] Census of the Philippine Islands, vol. i, p. 485.
[70] Report of Philippine Commission (1906), vol. ii, p. 69.
[71] Report of Philippine Commission (1902), pt. ii, p. 840.
[72] *Philippine Life in Town and Country*, p. 95.
[73] *New Era in the Philippines*, p. 82.
[74] *Ibid.*, p. 87.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

great source of revenue;[75] that the limited introduction of Chinese instructors in agriculture would better the present crude methods;[76] and that the strict enforcement of the exclusion laws and the deportation of unregistered Chinese invite opposition from powerful influences in the business community;[77] these reasons are all cited and involved in the efforts to modify or abolish the exclusion policies of the American and native governments in the Philippine Islands. And last but not least are the superficial observations of American and European travelers in the islands, most of whom judge from what the Chinaman has accomplished in the Straits settlements, Siam and other Asiatic tropics and come too hastily perhaps to the conclusion that the presence of the Chinese is imperative in the Philippines where such progress has not yet taken place.[78] The conclusions of Dr. Victor S. Clark, as expressed in his report on Labor Conditions in the Philippine Islands, are based on a personal study of the situation in 1905 and favor continued exclusion, relying for the maintenance and extension of industry on the present mechanic and operative population and the additions which are constantly being made to it from the ranks of the natives. Another recent student in the Philippines writes that "the business people most friendly to the Filipinos believe that the Chinese would hasten the economic development of the islands wonderfully, but admit that the Chinese are not necessary." A unique suggestion has been made to supply temporary demands for labor by five year importations of Chinese at good wages, with Filipino apprentices for every Chinese, the latter to be taxed $50 per head on admission, and the employer to be put under bond to return the Chinese to China at the end of the five years, by which time "there will be enough skilled Filipinos."[79] One is therefore justified in view of all the evidence in concluding that the admission of the Chinese, either freely or under moderate restrictions, would hasten the economic development of the islands.

An element of growing importance in the consideration of the Chinese problem in the Philippines is that of labor organizations. The latter

[75] *An English Woman in the Philippines*, p. 176.
[76] *The Philippine Islands*, p. 177.
[77] Report of Philippine Commission (1903), vol. iii, p. 307.
[78] Cf. H. C. Stuntz' *The Philippines and the Far East*, pp. 265–283.
[79] Report of the Philippine Commission (1902), part i, pp. 9, 10.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

have had a remarkable growth since American occupation and are particularly alert on the question of the admission of the Chinese. In addition to the arguments already advanced for exclusion they cite the following: (1) that it takes the Chinese laborer but one to two years to become a merchant, thus inviting a continual influx of low class labor and preventing a rise in the general conditions of labor; (2) that labor organization is spreading among the natives with good results and will do much toward making the Filipino an efficient workman; (3) and that the admission of the Chinese will forever prevent the opening of the United States markets freely to the Filipinos, for such a policy would mean American competition with Chinese labor.[80]

The most important of these observations is the last. One of the chief hopes of the Filipino since American occupation has been that of free trade with the United States. It has been continually advanced as the most effective and immediate method of stimulating development in the islands. Certain it is that in the present temper of the American people and their attitude toward competition with Chinese and Japanese labor, no thought of free trade with the Philippines could be entertained if the exclusion policy should be abated. The sentiment prevails in Philippine mercantile circles that the admission of the Chinese would constitute a permanent barrier to even favorable trade relations, and that of the two measures the latter would be most beneficial in the development of the islands.[81] Says one business man in the islands, "their (Chinese) admission would destroy our chance of tariff concessions from the United States—which is very much more important for the country."[82] As far as governmental relations are concerned it is alleged that without exclusion Chinese blood would soon predominate and America would soon have a Chinese dependency "from which we might well seek deliverance."[83] To what extent modifications of the present system of government would be necessary is nowhere outlined. Owing to the submissive and peaceful traits of the Chinese they probably would not be great or radical. But the policy would change fundamentally, for the present policy is, ostensibly at least, to make a self-

[80] Report of the Philippine Commission (1902), part i, pp. 21–23.
[81] Bulletin of the Bureau of Labor, no. 58, May, 1905, p. 863.
[82] *Ibid.*, p. 865.
[83] *The Philippine Islands*, p. 260.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

governing democracy out of the Filipino people. This end could not well be furthered by the influx of a large Chinese coolie population.[84]

One phase of the problem yet remains to be considered—that of the Chinese mestizo or halfbreed. As to the character of the mestizo opinions differ widely. The willingness of the Chinaman to intermarry wherever he goes has been notorious, and in the Philippines it is very marked. One writer remarks that Chinese infusion turns out sharp, intelligent, ambitious, but untrustworthy individuals.[85] Another says the Chinese mestizos are "the most progressive industrial force."[86] In the testimony before the First Philippine Commission the halfbreeds are alleged to be "troublesome."[87] Mr. Atkinson claims that the children of Chinese husbands and native women are "energetic and superior to the pure Filipino in ability and force of character;" also that the mestizos are reputed to be the "keenest and shrewdest" of the population.[88] Mr. Brown states that the mestizo is virile, industrious, peaceful and law abiding, and that the Filipino race needs the stimulus of new blood.[89] Much other evidence pro and con could be cited, but enough has been given to enable a conclusion that the intermingling of the races, while not attended with the bad results which are so often apparent in the association of peoples more different in race, color and standards of life, is sufficiently undesirable to make its prevention a matter of some concern and effort. True it is that the characters who have given the United States the most trouble in the matters of government are not the native Filipinos who are anxious to see their country independent, but the Chinese mestizos such as Aguinaldo, Gomez, and others, able and active, but withal selfseekers.

In summing up the results of this investigation, one may rightly conclude that as far as racial, political and national interests are concerned the exclusion of the Chinese has been and continues to be a justifiable policy. From these sources must come the main support as yet for exclusion measures. From an economic point of view the policy of

[84] Bulletin of Bureau of Labor, no. 58, May, 1905, p. 872.
[85] *The Philippine Islands*, p. 260.
[86] *Handbook of the Philippines*, p. 43.
[87] Report of Philippine Commission (1900), pp. 19, 187–190.
[88] *The Philippine Islands*, pp. 261–263.
[89] *New Era in the Philippines*, pp. 82–85.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

exclusion is a questionable one, especially inasmuch as free trade with the United States has not been secured and is very uncertain, if not unlikely. The balance of the argument appears on the surface to be in favor of the admission of the Chinaman, at least under moderate restrictions. But even this conclusion may be taking snap judgment on the Filipinos. Their economic development since American occupation has been steady and accelerating in pace, even though still comparatively slow. However, it has not been shown that the Filipino cannot develop the islands, nor can this now be shown. The native in the past ten years has had to learn the dignity of labor, the objects of labor. He has had to acquire wants in order to stimulate to earning activity. He has had, moreover, to shoulder part of the burden of planning for his country's future. Well indeed, if by far the greater number of witnesses may be credited, has the native met the demands laid upon him. Today the islands are looking forward to a more prosperous future and to at least closer trade relations with the United States. To admit the Chinese now is to invite a disturbing social, political and economic factor into the life of the islands. Until the United States is herself willing to open her doors freely to the laborers of China and risk the encounter between Chinese and American standards of life, it does not behoove this nation to invite a similar conflict between the Chinese and the Filipinos, the latter not having reached our standards, but hoping to do so and engaged in an earnest effort to accomplish this end. The present number of the Chinese is not a menace to peace and industry in the archipelago. They will soon be absorbed in the native population. The danger lies in the coolie class who in the struggle to advance themselves hinder the upward course of the Filipino. To best conserve and advance the political and economic interests of the future Philippine nation, therefore, the continuance of the present policy of exclusion seems advisable.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NOTES ON CURRENT LEGISLATION

MARGARET A. SCHAFFNER

Bucket Shops. Trading on margins by means of bucket shops was outlawed in the State of New York by chapter 458, laws of 1908, which took effect September 1. This law penalizes making or offering to make contracts respecting the purchase or sale upon credit or margin of any securities or commodities when both the parties intend that such contract shall be or may be terminated upon the basis of the public market quotations, and when a bona fide purchase or sale is not intended. The law specifies as unlawful, those contracts which are to be terminated when the price of stock or commodities reaches a certain figure, and when a settlement is intended to be based upon the difference in public market quotations without intention in either case to actually deliver the securities or commodities.

It is also made unlawful to exhibit in any manner any quotations with intent to make or offer to make any such contract. Dealers in securities and commodities, which come under the provisions of this act are required on written demand to furnish a statement containing the names of the persons from whom the securities and commodities were bought and other pertinent information.

A bucket shop is defined by the law as any place where contracts prohibited by this law are made. Violation is made a felony. In case of a corporation the fine is fixed at not more than $5000. An individual may be fined $1000 and imprisoned.

JOHN A. LAPP.

Campaign Literature. Oregon is to have a sort of "official" campaign literature printed and circulated by the State partly at public expense. For the last few years the State has supplied, largely at public expense, a "voter's text-book" consisting of the text of measures referred to the people, with arguments for and against the same. Now by the provisions of a law adopted by popular vote in June, 1908, this is to be supplemented by two other campaign booklets, one dealing with candidates for nomination, the other with candidates for election.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

After the filing of his petition for nomination any candidate, or friends for him unless he objects, may deposit with the secretary of state a portrait cut and a statement of reasons why he should be nominated, over his or their signatures. Any one may file a signed statement of reasons against a candidate's being nominated, accompanied by proof that a true copy thereof has been served upon the candidate in person. Those composing or offering these for filing are to be deemed the authors and publishers thereof, and are not exempt from the law of libel and slander. Each person is to be allowed, and must pay for, at least one page at a regular price per page graduated according to the office sought, and ranging from $100 for the office of United States senator or of governor to $10 for that of representative in State legislature. Additional pages, not exceeding three, may be secured by any candidate or opponent at the flat rate of $100 per page. The secretary of state is to compile the above copy into separate pamphlets for each political party, and mail them to the registered voters of the respective parties after they have been printed by the State printer.

For the general election there is to be but one pamphlet for all parties and candidates, which is likewise to be mailed to every registered voter. No individuals may furnish material therefor except independent candidates, who are to have two pages each. The State executive or managing officers of each party or organization are to furnish the portrait cuts, arguments, etc., for it and its candidates. No party may have more than twenty-four pages. A uniform price of $50 per page is charged all parties and independent candidates. Provision is made for cities of over 10,000 inhabitants to furnish similar pamphlets for purely municipal campaigns or elections.

LEON E. AYLSWORTH.

Corrupt Practices. The growing minority of States having real corrupt practices acts was increased during 1908 by the addition of Oklahoma, Oregon and West Virginia. The legislation of the first is embodied in her direct primary and general election laws, while that of each of the two latter constitutes a separate act on this subject. The Oregon law, known as the Huntley bill, is a product of the popular initiative and referendum, having been so enacted after failing to pass the legislature. It is by far the most noteworthy of these three acts, if not of all such acts in the United States. This enactment is avowedly "patterned after the very successful British laws of 1883 and 1895," and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

is probably the most progressive thoroughgoing, and efficient attempt to secure purity and fairness of elections yet made by any of our States.

Only the Oregon statute gives any definition of corrupt practices, or makes any distinction by name between corrupt and illegal practices. Oklahoma prohibits undue influence and bribery, which includes betting on an election. Any attempt by a corporation to influence the vote of employees or others is made unlawful. West Virginia outlaws personation as well as undue influence and bribery, which may include the promise of any place or employment public or private. Each State makes both briber and bribed guilty of bribery. Oregon designates the following as corrupt practices: The unlawful expenditure of money for election purposes; treating, which covers the giving of cigars and tobacco; undue influence, including the threat of even a "spiritual injury;" personation; bribery; betting by a candidate on any pending election, or furnishing money therefor; seeking a nomination for a venal consideration or motive, and not in good faith. Both West Virginia and Oregon protect candidates, the latter elected officials also, by making it unlawful for the representatives of any so-called public benefit scheme, charitable, religious or otherwise, to solicit or beg from them, or for them to contribute thereto. Oregon further guards against indirect bribery and "nursing of constituencies," from which even English politics is suffering, by declaring it to be a corrupt practice for a candidate to "make any such payment or contribution with apparent hope or intent to influence the result of the election." Exception is made of regular business advertising, and regular payments to organizations of which he was a member or contributor more than six months prior to his candidacy. Electioneering "by any persons at any place on the day of election" is prohibited so that the voter may go to the polls and vote "absolutely free from solicitation, question or argument for votes, either for men, measures, or parties." No person may legally write, print, or circulate any letter, circular, bill, placard or poster relating to any election or candidate unless it bears on its face the name and address of the author and of the printer or publisher. Political vilification during campaigns is further discouraged by declaring the publication of any false charges reflecting on a candidate's character, without having served a copy upon him personally fifteen days before, to be a "new crime," that of "political criminal libel," punishable by from one to three years in the penitentiary.

Both Oklahoma and Oregon impose restrictions on the use of the press as a partisan political agency. In Oklahoma every newspaper or

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

other publication printing political advertisements of any candidate for nomination is required to publish at the top thereof the "name of the person, firm, or corporation" ordering it printed, and also the price charged, or if printed free, a statement to that effect. In Oregon no publisher of a newspaper or other periodical may legally insert in either its advertising or reading columns any paid political matter without stating therein that it is paid, and appending, "in the nature of a signature," the name and address of the party responsible for it. Furthermore, any person paying, or any owner, editor, publisher, or agent of such a publication accepting payment, for editorially advocating or opposing the nomination or election of any candidate is to be punished as for a corrupt practice.

All three States restrict contributions to campaign funds by forbidding corporations to contribute. Oregon extends its prohibition to any person, trustee, or trustees owning a majority of the stock of any corporation. Oklahoma forbids corporation loans, except by banks, to any political party, its agents or its candidates. Oregon further restricts contributions by abolishing political assessments or contributions in the case of non-elective officials. No holder of such a position may hereafter lawfully contribute, nor be asked to contribute, for campaign purposes.

Campaign expenditures are carefully limited as to amount by each of these acts. The Oklahoma limitation applies only to campaigns for nomination, that of the other States both to campaigns for nomination and for election. Oregon limits the total expenditure by or on behalf of any candidate to 25 per cent of the yearly salary of the office he seeks, 15 per cent for nomination, and 10 for election expenses, except that no one is to be restricted to less than $100 for each campaign. Moreover, "the contribution, expenditure, or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, employer, employee, or fellow official or fellow employee of a corporation shall be deemed to be that of the candidate himself." The West Virginia limitation is based on the number of votes cast for the candidate for the office at the last general election: for 5000 voters or less, $250; for each additional 100 voters over 5000 $2; over 25,000, $1; over 50,000, 50 cents. No candidate is to expend more by himself, nor through any agent, committee or person whatsoever, not even for a lawful purpose. Oklahoma limits expenditure according to the office or election district, the expense allowed varying from $3000 by a candidate for nomination as governor or United States senator, to $50 for an office filled by a county subdistrict.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

While all three States thus limit the amount of expenditure, only Oregon and West Virginia restrict the purposes of expenditures. In each case the various objects of lawful expenditure (practically identical) are carefully enumerated, and all others are expressly or impliedly forbidden. Oregon authorizes expenditures "for public speakers, music, halls, lights, literature, advertising, office rent, printing, postage, clerk hire, challengers or watchers at the polls, traveling expenses, telegraphing or telephoning, or the making of poll lists." In addition, the Oregon statute specifically declares it unlawful for any person, (1) "to pay another for any loss or damage due to attendance at the polls, or in registering, or for the expense of transportation to or from the polls;" (2) to pay for "personal service" on any election day, "tending in any way, directly or indirectly, to affect the result," except to hire challengers and watchers of the count; (3) to buy, sell, or give "any political badge, button or other insignia to be worn at or about the polls" on any election day, or to wear the same there.

Oregon and West Virginia make careful and detailed provision for publicity of both contributions and expenditures, Oklahoma, of expenditures only, by requiring candidates and committees to file itemized sworn statements thereof in public offices for publication or public inspection. West Virginia requires the statement of each candidate to set forth in detail all sums contributed, expended or promised by him, or by others in his behalf, and to show "the dates when, and the persons to whom and the purposes for which" such sums were paid or promised. Oregon expressly requires a statement of "all existing unfulfilled promises of every character and all liabilities remaining uncancelled" whether "made or incurred before, during or after such election." Even if a candidate contributed, expended or promised nothing he must file a statement to that effect. Oklahoma requires the candidate to file with the proper officer, before his name may be printed on the official ballot, the name and address of every person authorized to spend money on his campaign, or if none, a statement to that effect. Each candidate is to file not only his own personal itemized statement "including promises to pay money, or other things of value, as well as treats, presents or favors which cost money," but also a like report for each of his authorized political agents and for any other person spending money for him without being on the authorized list. An "itemized statement" is defined to mean "that when a candidate has a class of like expenditures, he shall not list them under one item, but shall state each item separately. Each item of printing shall be set

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

out by itself, and each advertisement in a newspaper shall be specifically set forth with the cost thereof, and in like manner all candidates' reports shall show in detail every transaction." It is made the duty of each filing officer, prior to issuing a certificate of nomination or election, to give out for publication a statement as to each candidate and the total expenditures by him and his political agents.

West Viriginia and Oregon require every political committee to have a treasurer, who is to keep a detailed account of all its receipts, disbursements and liabilities. No such West Virginia committee may lawfully receive or disburse money until it appoints a treasurer, nor disburse money at any time for political purposes until it has passed through the treasurer's hand. It is made the duty of the treasurer to file with a public officer a detailed and sworn statement of all receipts and expenditures, also of all unpaid obligations of the committee, their nature and to whom owed, for a period beginning four months before the election and ending on the day of filing. The Oregon law requires every treasurer, agent, or candidate to keep as a part of his accounts vouchers showing the particulars of every payment, except those aggregating less than $5 to one person, which vouchers he is to file in the proper public office with his statement of receipts and expenditures. Moreover, "the books of account of every treasurer of any political party, committee or organization, during an election campaign, shall be open at all reasonable office hours to the inspection of the treasurer and chairman of any opposing political party or organization for the same electoral district; and this right of inspection may be enforced by writ of mandamus by any court of competent jurisdiction"—a provision unique in American legislation. To guard against evasion the West Virginia act defines "political committee" very broadly and inclusively, while that of Oregon provides that any person, not a candidate, who expends money or value for political purposes in excess of $50 must file with the proper official an itemized statement, with vouchers for every payment exceeding $5 and deliver a duplicate of such statement and vouchers to "the candidate or treasurer of the political organization whose success or defeat he sought to promote." In Oregon the totals of each statement filed with him, with the name of the person or candidate filing it, must be published by each officer in his next annual report. Oklahoma requires each campaign committee to file the names of the candidates for whom it acted, and an itemized statement of expenditures like that required of candidates.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

These acts vary greatly in their penalties and provisions for enforcement. In West Virginia the candidate failing to file the required statement of contributions and expenses, is liable to a fine not exceeding $500, but what is more to the purpose, shall not receive any perquisites of office for the period before the statement is filed. The treasurer of a committee who fails to file a statement or to keep accounts, or who destroys his accounts merely renders himself liable to a fine of only $100 to $500. It is provided that the judges of all circuit and criminal courts of West Virginia shall give this act in charge to all grand juries empanelled in their courts.

The penalties in the Oklahoma act are more complete and adequate, but there is no special provision for judicial procedure, nor is it made the duty of any one in particular to enforce the act. Excess expenditure "in person or through agents, committees or friends" is punished by a fine of $100 to $2000 *and* imprisonment from six months to two years, and disqualification from holding office in the State. Misstatement of the amount of expenditure is punishable by one-half the above fine and imprisonment, by not printing the accused's name as nominee on the ballot, or by the denial of his right to office if elected. If a successful candidate fails to file a statement of expenditures his certificate of nomination or election is withheld, while the unsuccessful one may be fined from $25 to $500 for a like offense. Any chairman, secretary or treasurer of a campaign committee who refuses to sign and swear to the required report of expenditures is subject to a fine of $25 to $500 *and* imprisonment for three to twelve months.

The Oregon law makes special and careful provisions for its efficient enforcement. It is made the duty of each district attorney "under penalty of forfeiture of his office" to prosecute all persons guilty of violating the act. The various circuit courts of the State are to have exclusive original jurisdiction of all violations of this act.'' Provision is made for marking the ballots of challenged voters so that they may be identified in case of an election contest, and cast out if held by the court to have been fraudulently voted. No nominee's name is to be printed on the official ballot until his statement of contributions and expenditures, and also those of his political agent and his political committee, if any, have been filed according to law. All candidates failing to file statements within fifteen days after the election are subject to a penalty of $25 for each day's default unless "excused by the court." Moreover, it is the duty of the filing officer to certify their names at once to the district attorney who shall proceed to prosecute

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

within ten days thereafter. Any vacancy on the ballot resulting from a candidate's failure to file a statement may be filled by the proper political committee, but not by using the name of such delinquent. Where a statement is filed but does not conform to the law, the steps for its enforcement are clearly laid down.

Any elector may by petition contest the right of a candidate to any nomination or office for which he has the right to vote. The petitioner must give bonds, in a sum fixed by the court, not exceeding $2000, to pay costs and attorney's fees if he does not prevail. Such election contests are to be tried in circuit courts, where they are to take precedence over all other business on the court docket and be disposed of with all convenient dispatch. "The court shall always be deemed in session for the trial of such cases." If any candidate be found guilty of any corrupt or illegal practice, his nomination or election shall be set aside, and he shall not, during the term of such office, be elected or appointed to fill any office or position of trust under the laws of the State, nor of any municipality therein. Where the defendant is ousted from a nomination or election it is to be awarded to the person having the next highest vote, unless he is shown to be guilty of some act warranting like judgment against him, in which case the nomination or office is to be adjudged vacant and filled by a new election or by appointment as provided by law. In the case of a contested nomination or election of a senator or representative in the State legislature or the United States congress, the court shall certify its findings to the secretary of state for him to transmit to the presiding officer of the proper body. In the case of other offices the court is to certify its decision to the proper official or board, who shall issue certificates of nomination or election in accordance therewith.

LEON E. AYLSWORTH.

Child Labor Law—District of Columbia. At the first session of the sixtieth congress, the senate and house of representatives passed a law relating to the employment of children in the District of Columbia.

No child under fourteen years of age is to be employed or permitted to work in any factory, workshop, mercantile establishment, store, business office, telegraph or telephone office, restaurant, hotel, apartment house, club, theatre, bowling alley, laundry, bootblack stand, or in the distribution or transmission of merchandise or messages. No child under the age specified is to be employed in any work performed

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

for wages or other compensation during the hours when the public schools of the District of Columbia are in session, nor before the hour of six in the morning or after the hour of seven in the evening. Two exceptions are made to this rule; first, the provisions of this section are not to apply to children employed in the service of the senate, the second, the judge of the juvenile court of the District may issue a permit allowing the employment of any child between the ages of twelve and fourteen in any occupation or employment not, in his judgment, injurious to the child's health or morals. This permit can be issued by the judge only upon evidence satisfactory to him that the labor of the child in question is necessary for his own support or for the support of persons actually dependent upon him. These permits are to be issued for a definite time, but may be revoked at the discretion of the judge issuing them or by his successor in office.

Children under the age of sixteen are not to be employed in any of the establishments mentioned in the act unless the employer procures and keeps on file and accessible to the inspectors and truant officers, an age and schooling certificate and also two complete lists of all children employed in the establishment, one on file and one posted near the principal entrance of the building where the children are working. The age and schooling certificate must be approved by the superintendent of public schools or by another person authorized by him in writing. These officials cannot approve the certificate except upon satisfactory evidence furnished by duly attested transcript of the certificate of birth or baptism, or other religious record or the register of birth. If none of these records can be found the parent, guardian or custodian may make affidavit as to the age of the child before the officer issuing the employment certificate. In addition to this, provision is made for exceptional cases and the judge of the juvenile court may, upon the recommendation of the superintendent of public schools waive the necessity of a schooling certificate and permit the child to work without its being a violation of the law.

Persons employing children contrary to the provisions of this act are to be deemed guilty of a misdemeanor and fined not more than $50 but if the offense continues after notice, a fine of $20 per day is imposed. Failure to produce the age or schooling certificate is prima facie evidence of illegal employment. The certificate granted belongs to the child and it must be given to him whenever he leaves the service of the employer holding it; if not returned as required a fine of $20 is levied.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The inspectors and the truant officers of the district must visit the establishments enumerated, see that the law is complied with and report all cases of illegal employment to the superintendent of public schools and the corporation council of the District of Columbia.

The law goes even beyond this and fixes the hours of labor for all children under sixteen, who are employed in the establishments covered by the act, at not more than eight hours in any one day or more than forty-eight hours in any one week or before the hour of six in the morning or after the hour of seven in the evening.

The commissioners of the District of Columbia are authorized to appoint two inspectors to carry out the provisions of the act.

In addition to this, other occupations common to children are given some attention. No boy under ten and no girl under sixteen is to be allowed to exercise the trade of bootblacking or the selling of newspapers on the streets unless a permit and badge have already been issued to him or her by the superintendent of schools or his agent. The permit gives the date and place of birth of the child, the name of the parent or guardian and a description of the person in question; the badge bears a number corresponding to the number of the permit on its face and on the reverse side the signature of the child in his or her own handwriting.

The above account gives the main provisions of the law as passed by congress. The law is of importance in itself, but it is of much greater importance when we consider the fact that congress may pass a national child labor law, uniform in its operation throughout the United States. The District of Columbia law may be the model.

ROBERT ARGYLL CAMPBELL.

The English Children's Bill. The English children's bill is nearing the stages when it may be expected that it will soon become a law. In spite of much opposition and some ridicule the provisions concerning "juvenile smoking" remains substantially as proposed. The bill passed its second reading in the house of lords on October 28. It came to the report stage November 12, when the lord chancellor proposed to add a clause providing that a woman convicted of the murder of her infant child might at the discretion of the court be sentenced to some punishment less than death. This proposal was carried.

STANLEY K. HORNBECK.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The New English Education Bill. Since the English licensing bill has been thrown out by the lords, and since the children's bill is practically ready for acceptance, considerable attention is being paid the new education bill which Mr. Walter Runciman introduced in the house of commons on November 20. A memorandum which was distributed with the bill explained its main provisions, of which the following appear to be the most important:

Rate aid will be confined to schools provided by the local educational authorities. No teacher may be subjected to religious tests or required to give religious instruction. The local authorities shall provide free accommodation in public elementary schools for all children resident in their area whose parents desire such accommodation for them, and no child may be required to attend a school not provided by such authorities.

Facilities are provided for denominational instruction on two mornings in the week for children whose parents desire it for them, but no part of the cost of such instruction is to be borne by the authorities. The third clause prescribes the conditions under which a school not provided by the local educational authorities may be recognized as a public elementary school and thus share in the parliamentary grant. A method is provided by which existing voluntary schools may be transferred to the local authorities. Another clause deals with schools for deaf, blind, defective and epileptic children and gives power to the local authorities to provide for instruction in special subjects in certain centers as well as in the regular public elementary schools.

This bill, while it appears to satisfy no one completely, may prove acceptable as a compromise measure. It carries out the pledges given by the liberals concerning education; full public control for all rate-aided schools; no rate payment for denominational teaching; no religious tests for teachers; and it promises some approximation to a national system. The *London Times*, while recognizing the compromise character of the bill and that it is not ideal, points out that it is simpler and better understood than any education bill which has yet been presented, and expresses the hope "that the new bill . . . . . be made different from its forerunners by being successfully placed upon the statute-books before many weeks are over." [*Times*, November 23.] In moving the second reading, which was had November 27, Mr. Runciman spoke of the readiness exhibited by leading churchmen and nonconformists to discover a basis for compromise that should not involve sacrifice of principles.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Among those who oppose the bill, Lord R. Cecil has declared, "That no measure will provide a settlement of the education question which does not afford complete equality of treatment to all forms of religious instruction." Prominent among the opposers are Mr. A. C. Edwards and Mr. Ramsay McDonald. Dr. Macnamara favors, and Sir William Anson has said he will vote for the bill.

On December 3, it was announced that the chances of the success of the bill were threatened by the demand made by the Archbishop of Canterbury for a larger grant for non-rate aided schools than the government is willing to grant.

STANLEY K. HORNBECK.

Industrial Education. Practical education in industrial work, domestic economy and agriculture in the secondary schools has received a tremendous impetus in very recent years in response to the general feeling that our educational system does not prepare our young people for practical life. Eleven States now require by law the teaching of agriculture in the common schools and all but six of the remaining States make some provision for agricultural work in the grades. Manual training including domestic economy is taught in the large cities of nearly every State in the Union. Many of the States make special provision for this work.

Industrial education in the sense in which that term is generally used, namely, vocational training, is just now in its beginning in the public schools. Massachusetts led the States in this line when in 1905 at the instigation of Governor Douglass a committee was appointed known as the commission on industrial and technical education of which Carroll D. Wright was president. This commission went over the ground with great care, visiting different parts of the State, holding hearings and taking testimony from a large number of witnesses. The result was the law of 1906, which established a permanent commission on industrial education, empowered cities and towns to establish industrial schools and courses, provided State aid for such schools and gave the commission wide powers of control over them when established. The commission has continued its investigation both at home and abroad and their annual reports are invaluable as a source of information upon the subject. This law was the model for other States. Wisconsin adopted a permissive law in 1907, enabling municipalities to establish industrial and trade schools, and to levy a tax for their support.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In 1908 New York followed with a comprehensive law on the subject and New Jersey appointed a commission on industrial education to go over the whole field with reference to the needs of New Jersey and report to the legislature in 1909.

The New York law gives authority to schools board in cities and to the voters in union free schools to establish and maintain industrial schools for pupils over fourteen years of age or who have completed the elementary school course, and trade schools for pupils over sixteen years who have completed the elementary school course or the industrial school course. An advisory board is provided for such schools consisting of five members representing the local trades, to counsel with the board of education in the conduct of the schools. Liberal State aid is provided, but in return important provisions of supervision are vested in the commissioner of education.

Agricultural education in secondary schools and colleges has likewise made advances along new lines. Minnesota in 1905 provided for the establishment of county schools of agriculture when the voters of the county should so decide. The legislature neglected to make the necessary appropriation to provide State aid and so no action has been taken under this law. Georgia and Alabama have established secondary agricultural schools in districts coinciding with congressional districts. These schools are in active and successful operation. New York approaches the problem in a different way by providing secondary schools of agriculture in connection with existing colleges. A school was thus established in 1906 in connection with St. Lawrence University in St. Lawrence county and another in 1908 at Alfred University in Allegheny county. Another school was provided at Morrisville in Madison county. These are all subordinate to the state college of agriculture at Cornell.

Practical education received constitutional recognition in the New Oklahoma constitution. Section 7 of article 13 requires that "the legislature provide for the teaching of the elements of agriculture, horticulture, stock feeding and domestic science in the common schools of the State." The legislature put this provision in force at once (ch. 3, 1907–08) by establishing a State commission on agriculture and industrial education, composed of ex officio officers, with powers to coöperate with the State board of education in furthering agriculture and industrial education. The law requires that "the elementary principles of agriculture, horticulture, animal husbandry, stock feeding, forestry, building country roads, and domestic science,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

including the elements of economics, shall be embraced in the branches taught in the public schools . . . ." These must be as thoroughly taught as are other required branches.

The spirit of this law is intensely practical, however much it may seem to overload the common school courses. Coöperation of all agencies of education is provided in furthering this act.

These movements are simply preliminary to a general adoption of some means of training along industrial and agricultural lines. It seems evident that the subject will have consideration from a number of legislatures in the present session.

JOHN A. LAPP.

Elections—Identification of Voters. The personal identification of voters, as provided by a law of New York, for cities containing one million or more inhabitants, passed at the special session of the legislature in 1908 (ch. 521), had its first tryout at the general election in November and it is believed by its friends to be an effective means of determining that the person who offers his vote at the election is the same individual who registered on the day of registration. In the city of New York it was claimed that fully 30,000 votes were usually cast fraudulently by means of repeaters. The results at the last election seem to verify the claim. In nine districts in which a large part of the fraudulent vote was believed to have been cast, the registration decreased in 1908 nearly 11,000 from that of 1906 notwithstanding the natural increase and the fact that the year 1908 was a presidential year.

The law accomplished this end by providing means of identification of the person and of his residence. In addition to the usual questions asked in other cities which require a personal registration, the voters in New York City are asked the exact place of their abode; the number of the floor or room in which they live; and the name of the householder or tenant with whom they live. In addition, columns are provided for the signatures of the voters. They are required to sign their name if they can write, and again on election day they must sign their name opposite their first signature. If the voter can not sign his name, he must answer the question on the identification statement. These relate to his personal and family history, his residence and employment. On election day the voter is asked the same list of questions. If the signatures or the answers do not correspond, the watchers may challenge the voter and the inspectors must challenge him if the watchers

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

do not. By these methods it is made difficult, if not impossible, for even the shrewdest repeaters to do their work of multiple voting.

JOHN A. LAPP.

Employers' Liability. A law recently enacted in Ohio (laws, 1908, p. 25) has modified the liability of railway companies for injuries to their employees in several important respects. The doctrines of "assumed risk" and of "common employment" have been practically abolished and the rule of "comparative negligence" has been established.

With respect to the "assumption of risk" the law makes every railroad company operating within the State liable for all damages sustained by any of its employees by reason of personal injury or death when "caused by a defect in any locomotive, engine, car, hand-car, rail, track, machinery or appliance required by such company to be used by its employees in and about the business of their employment, if such defect could have been discovered by reasonable and proper care, tests, or inspection." Proof of such defect is made presumptive evidence of knowledge thereof on the part of the company, and an employee is deemed not to have assumed the risk, although continuing in the employment of the company after knowledge of the defect and continuance in employment after such knowledge is not to be deemed an act of contributory negligence.

As regards co-employment the law establishes liability for any injury incurred by any employee while "engaged in operating, running, riding upon or switching passenger, freight or other trains, engines or cars, and while engaged in the performance of his duties" when such injury was caused "by the carelessness or negligence of any other employee, officer, or agent" of the company "in the discharge of or for failure to discharge his duties."

All questions of negligence and contributory negligence are to be left to the jury. The fact that the employee may have been guilty of contributory negligence is not to bar a recovery where his contributory negligence was slight and that of the employer was greater in comparison. But the damages are to be diminished by the jury in proportion to the amount of negligence attributable to the employee.

M. A. S.

Futures. A bill to prohibit the buying or selling of futures in products of the soil which are subjects of interstate or international com-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

merce in the United States was introduced in congress, December 9, 1908 (S. 7370). The bill makes it unlawful, directly or indirectly to "deliver, receive, or transmit" any intelligence relating to any transaction or proposed transaction "whose true intent and effect may be to gamble or speculate" "as to the future market price of any product of the soil of any country." It is provided that bona fide sales and delivery according to contract shall not subject the parties to such transaction or proposed transaction to the penalties of the act, and provision is also made that transactions to speculate or gamble are not to be affected if they deal with products which have not been subjects of interstate or international commerce for the ten years next preceding.

Any person violating any of the provisions of the act is subject to indictment for a felony and upon conviction is to be imprisoned for not less than five nor more than fifteen years for each separate offense. In the case of a corporation the penalty is a forfeiture of not less than $10,000 nor more than $100,000 to be recovered at the suit of the United States. One-half of the forfeiture is to be adjudged to any person who may give information leading to judgment against the offending corporation.

It is made unlawful for the postal authorities or employees to deliver matter pertaining to the buying or selling of futures and special penalties are provided for such violations.

M. A. S.

Land Legislation—Oklahoma. The constitution of Oklahoma adopted in 1907 states that no alien or person who is not a citizen of the United States shall acquire title to or own land in the State, and that the legislature shall enact laws whereby all aliens and their heirs who may acquire real estate in Oklahoma by devise, descent or otherwise must dispose of such property within five years or suffer escheat of forfeiture to the State. This provision contains three exceptions; the law is not to apply to Indians born within the United States, to aliens or persons not citizens of the United States who may become bona fide residents of the State, or to aliens already owning land.

The act as passed by the State legislature incorporated the ideas expressed in the constitution, added the necessary details and worked out a plan of administration. Aliens holding land after the enactment of the law and contrary to its provisions may convey the fee simple title at any time before the escheat proceedings are instituted. If, however, the conveyance is made either to an alien or to a citizen of the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

United States in trust for the purpose and with the intent of evading the law and constitution, such conveyance is to be null and void, and any land conveyed in this manner and with this purpose in view is to be forfeited to the State absolutely.

The actual administration of the law is worked out as follows: It is the duty of the attorney-general, or the county attorney of the county where the land is situated to institute proceedings in the district court of the county praying for escheat in behalf of the State, when he is informed or when he believes that any land in the State is held contrary to the provisions of the law or constitution. The procedure in this case is the same as the escheat procedure in the case of poperty having no known owner. Before any proceedings are instituted the attorney must give thirty days' notice of his intent to bring suit; this notice to be sent to the owner of the lands at his last known address, or to the person who last paid taxes on the property, or to any known agents of the owner.

If it can be determined at the escheat proceedings that land is held contrary to the law and constitution, the court trying the case must render judgment condemning the land in question and order it to be sold at such time, terms and conditions as may seem best to the court.

The proceeds of the sale, after deducting the cost of the proceeding, are to be paid to the clerk of the court rendering judgment. The money remains in his possession for one year after the date of payment, but if it is not claimed within that time it is to be paid into the State treasury for the benefit of the available school fund. This part of the law is modified by provisions as follows: First, when any money has been paid to the State treasurer, an alien or his heirs may reclaim the amount by procuring an order from the court which condemned the land, showing that the judgment escheating the property was procured by fraud or mistake, or that there was material irregularity in the proceedings. This application must be made within two years from the date when such money was turned over to the State treasurer. Even when the claim is allowed the State cannot be compelled to refund any further sum than the actual cash transmitted and delivered to the treasurer. Second, the defendant or defendants in the escheat proceedings may, at any time before final judgment is pronounced, prove to the court that he or they have complied with the law and are now entitled to hold the estate in question. If this fact is admitted by the court or proven, the case must be dismissed on payment of costs and reasonable attorney's fees by the defendant.

ROBERT ARGYLL CAMPBELL.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Liquor Legislation—County Option. The trend of liquor legislation for the last four years has been steadily in the direction of prohibition. State wide prohibition has been enacted into law in several of the Southern States; local option has come to prevail in nearly every State in the Union where the traffic in liquor is not prohibited and the area of local elections has been formed and enlarged so as to give fullest effect to the prohibition tendencies. The year of 1908 furnishes two measures which are intended and expected to drive the saloon out of large districts in which it now flourishes. Ohio and Indiana have each enacted a county option law, by which the people of a county are empowered to determine whether the sale of liquor shall be permitted or prohibited in that county. The law in Ohio was passed at the regular session of 1908, that of Indiana became a law through a special session of the legislature, September, 1908, convened by Governor Hanly. Each law became an issue in the State campaign and the candidates for governor of the republican party, which was responsible in both States for the passage of the laws, were defeated. This significant fact needs explanation. It has generally been interpreted as a defeat of the anti-liquor forces. Such, however, is not the case, as an explanation of the liquor legislation of those States will readily show. That it is a defeat for the tendency toward State prohibition may be conceded.

Both Ohio and Indiana have gone far in their anti-liquor legislation; each has excluded the saloon from the larger portion of their territory by the operation of their local option laws.

Ohio in 1888 passed a township local option act. Under this about 1100 townships went dry. Supplementing this act, a municipal local option law was passed in 1902. Several municipalities voted dry as a result. In 1904 another step was taken when the people of a municipality were given power, by vote, to exclude liquor from residence districts, and in many municipalities the saloon was promptly voted out of large portions of the residence districts. In the meantime the license fee was raised from $350 to $1000, thus further restricting the saloons by such prohibitory fees. The temperance forces did not stop there, however. They passed on and began to demand that the county be made another unit for local option purposes. The advantage of this from a temperance standpoint is evident. Under the operation of the law one township by remaining "wet" could nullify the will of the surrounding townships and also profit by the control of the entire liquor traffic. The city or village could stand in the face of a large popular

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

majority of the rural community. The prohibition of the saloon in a township was futile of temperance results if the residents of that town could go over the line to a neighboring town which was "wet" and secure liquor.

Governor Harris recommended a county option measure and it was adopted early in the session. The law provides that on petition of 35 per cent of the legal voters of a county, made to the county commissioner or to a common pleas judge, asking for the privilege of determining by ballot whether liquor shall be sold in the county, a special election shall be ordered within thirty days, to be conducted under the regular election laws.

The result determines whether liquor shall be sold or not. If adverse to liquor all sales must cease within thirty days, and the amount of unexpired licenses be refunded to the liquor dealers. Three years is put as the limit time for a second election in the same county on the same question. Court procedure is provided for cases of contest. Violation of this law is made punishable by fine, but on a second or subsequent conviction the court must order the place to be abated as a nuisance and the convicted person is compelled to give bond of $1000 that he will not sell, furnish or give away liquor in violation of law. Under the working of this law outside of the larger cities there will be few places where the sale of liquor can be carried on. It will have in a large measure the effect of State prohibition. The fact that it did not seem to presage State prohibition is the secret of the opposition. The same is true of Indiana. Here, also, the saloon was already excluded from large sections of the State by the remonstrance law and the high license. For many years Indiana acted under the individual remonstrance law by which any person applying for a license could be prevented from securing it by the filing of a remonstrance signed by a majority of the voters of the township. This method became burdensome and the blanket remonstrance was adopted by the terms of which a single remonstance signed by a majority, prohibited the licensing of any saloons in the township. At the session of 1907 the legislature strengthened the liquor laws by a search and seizure act; by which liquors kept for unlawful traffic could be seized and destroyed as a nuisance, and by a stringent law to prohibit shipment of liquor into no-license territory.

The liquor question became the chief issue of local politics. The democratic party met in convention first and declared for local option by wards and townships. This was a wide departure from the tradi-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tional policy of the party, but expediency demanded it. The Republican party declared for local option by counties, and thus the issue was joined, not on the question of local option or no local option, but on the question of the unit to be used in local option elections. The campaign was well advanced when Governor Hanly called a special session of the legislature. Among other things he recommended a county local option law and after a sensational fight, it was enacted by a close vote on September 26, 1908, a little over a month before the election in which that very question was the issue. The law enacted differs only in details from the Ohio law. Twenty per cent of the legal voters is required for a petition and the limit for another election is two years. the law expressly continues in force the local remonstration law against the sale of liquor. At this writing (December, 1908), 55 of the 88 counties of Ohio have gone dry and several elections have been ordered in both Ohio and Indiana.

JOHN A. LAPP.

Old Age Pensions—English Act of 1908. According to the opinion of the Earl of Roseberry, the most significant piece of legislation passed by the English parliament since the reform act of 1832, is the old age pension act of August 1, 1908. It is important from the standpoint of social or reform legislation, since it is the realization of a policy to which both parties were pledged, and of a hope which has been strong in the minds of the English almost continuously since 1893.

From 1893 to 1895, the royal commission on the aged poor, under the chairmanship of Lord Aberdare, investigated the question of old age pensions, but reported adversely "in view of the financial and economic difficulties involved." Likewise the committee on old age pensions (1896–98), with Lord Rothschild as chairman, investigated the plans for a pension scheme which were submitted to it and reported negatively on the proposition. Several bills dealing with the question were introduced in 1899, and in April of the same year a select committee on the aged deserving poor was appointed. The committee reported favorably for a pension scheme with 65 years as the age limit, to apply to British subjects, and to vary from 5*s*. to 7*s*. per week, at the discretion of the committee, according to the cost of living. Criminals, people who had received poor relief, or had an income of more than 10*s*. per week, were to be excluded from the provisions of the bill. Their favorable report was conditioned, however, by a recommendation for the reform of the poor laws upon which, in their minds,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the success of their pension scheme rested. A departmental committee on aged deserving poor, 1899–1900, was appointed to consider the financial aspects of the proposed bill of the select committee of 1899. In the succeeding sessions of parliament, following 1900, several bills were introduced, and the aged pensioners bill of 1903 was reported to parliament, from the select committee of the house of commons, to which it had been referred, without amendment. The details of the bill seem to have been the stumbling block. Again the question was taken up during the session of 1907. Intimation was given in the speech from the throne, January 31, 1908, that an old age pension bill would be introduced by the ministry, and the matter was fully launched on May 7, 1908, when the budget was introduced by Mr. Asquith.

The bill as outlined by the prime minister, varied materially from the bill that passed. Mr. Asquith ruled out all contributory plans; refused to consider the universal scheme associated with the name of Charles Booth because of the costs—£16,000,000 to £17,000,000 he estimated; made plain that the burden must rest on the imperial treasury and not on the locality; pointed out that certain discriminations must be made in the matter of age, means, status, and character, as well as in nationality, and that the pension should be 5*s*. per week, excepting for married couples living together, when the combined pension should be 7*s*. 6*d*. per week for all those fulfilling the statutory conditions, who did not have 10*s*. or upwards weekly income. The modifications in the original measure made in the house of commons will be evident in the review of the bill itself as passed.

The old age pensions act provides for the payment of a pension to all persons who have attained the age of 70, who have been British subjects for 20 years next preceding the date of the receipt, and whose yearly income does not exceed £31 10*s*. The act applies to both men and women, and, in the case of married couples, the nationality of the husband determines that of the wife. Claims are made upon uniform schedules gratuitously furnished by the government through the post offices, to the local pension officers—the excisemen—who in return report thereon to the local pension committees.

The rate of pension is fixed on a sliding scale and ranges from 5*s*. to 1*s*. weekly. The following is the schedule:

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

MEANS OF PENSIONER.	RATE OF PENSION.	
When the yearly incomes	*s.*	*d.*
Do not exceed £21	5	0
Exceed £21 12*s.* 6*d.* but do not exceed £23 12*s.* 6*d*	4	0
Exceed £23 12*s.* 6*d.* but do not exceed £26 5*s*	3	0
Exceed £26 5*s.* but do not exceed £28 17*s.* 6*d*	2	0
Exceed £28 17*s.* 6*d.* but do not exceed £31 10*s*	1	0
Exceed £31 10*s*	no pension.	

The pensions are to be paid from funds appropriated by parliament, as are also the expenses of administration. The plan is non-contributory and differs in this respect from the old age pensions law of Germany, where the employer and employee contribute equally to the fund, which together with a subsidy for each annuity of $12.50 from the government, is administered by insurance societies in coöperation with state administrative bodies, all under the imperial government. A comparison of the laws in the two countries can scarcely be made, for Germany really provides for a form of industrial insurance, compulsory on all, with minor exceptions, while England confers an out and out pension as a reward for past service. It also differs from the old age pension law of Denmark, passed April 9, 1891, in that in does not require the localities to bear a part of the expense. In Denmark it is shared equally between the central government and the localities.

As to the probable cost of the pension system, during the first year of its operation, Mr. Lloyd-George, chancellor of the exchequer, said in the house of commons, July 23, 1908, that it would amount to about £6,500,000. Mr. Asquith gave it as his opinion that the maximum number applying for the pension during its first year would not exceed 500,000. Up to October 10, 1908, the number of applications were, for England, 273,862; for Ireland, 131,610; for Scotland, 49,077; for Wales 13,615; total 468,164.

The receipt of a pension does not deprive the pensioner of any "franchise, right or privilege, or subject him to any disability," and in this way differs from the receipt of poor relief.

A claimant must satisfy the pension authorities: (1) that he is 70 years of age or over and may make use of a birth certificate baptism or marriage certificate or "any other evidence which appears sufficient for the purpose; (2) that he has been a British subject for 20 years next preceding the receipt of the pension, and that his residence has been in the United Kingdom except in the case of temporary absence,—

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the latter to include absences caused by service in the army and navy, etc., but for other causes the absences combined must not exceed eight years. A person being a pensioner is deemed to have been temporarily absent if his absence does not exceed three months at any one time; (3) that his income is not sufficient to exclude him from the benefits of the law. In calculating the income of a person account is to be taken of what the person may reasonably expect to receive in cash (this is to be ascertained, in absence of other means by the amount actually received during the preceding year); of "advantages" coming from property owned, and of the "yearly value of any benefit or privilege enjoyed." The pension officers have been furnished with elaborate instructions from the commissioners of inland revenue as to the method of determining an applicant's earnings.

The receipt of poor relief at any time since January 1, 1908, and until December 31, 1910—the latter unless parliament otherwise determines—or the receipt of poor relief while one is a pensioner disqualifies one from receiving, or from continuing to receive, an old age pension. Poor relief in the form of medical or surgical assistance, or in such form as would not disqualify one for registration as a parliamentary elector, etc., is, however, an exception. One who habitually fails to work for his own maintenance, or for the maintenance of those "legally dependent upon him," is disqualified. It is provided, however, that if a person for ten years up to his attaining the age of 60 has made provision against sickness, accident, old age, etc., by contributing to friendly societies, etc,. the above disqualifying circumstances will not apply. This provision extends to the wife as well as to the husband in the case of married couples. Persons who are convicted for an offense, the punishment for which is imprisonment, are disqualified while so held, while persons of 60 years of age or over who are liable to have a detention order placed against them, under the inebriates act of 1898, may be disqualified by the court for a period not exceeding ten years.

All pensions are paid weekly in advance by means of a book of pension orders, and through the post office selected by the pensioner. The Treasury reserves the right to make payments at periods either less or longer than a week. The pension commences to accrue on the first Friday after the claim is allowed. In Germany, under the contributory plan, the pension is not paid until after 1200 contributory weeks, or approximately thirty years, and is then paid, as in England, in weekly installments.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The method for determining claims for pensions is as follows: Claims when made out are delivered either to the pension officer or to the postmaster of the office where the payment is desired. The postmaster is required to give such information as is within his power to the claimant when making out his claim, and in the absence of any instructions from the local pension committee, is required to send the application direct to the pension officer, who is required to keep a register of all claims, together with an account of all decisions of the local committees or the local government board, and "as soon as may be" after receiving a claim, to investigate it to determine the right of the person to a pension, and the rate to be allowed in case such claim is valid. A report is then made by the officer to the local pension committee, which after considering the report and any other information, if necessary, decides upon the claims. The pension officer is allowed to attend any meeting of the local committee, and "to speak but not to vote thereat."

Appeals to the local government board on the part of the pension officer or any claimants are provided for, but must be made within seven days after the decision, in the case of the officer, and within seven days after the receipt of the notices by the claimant. If the local committee refuses to investigate a claim, appeal may be made direct to the central authority and their decision is final. In cases where no appeal is taken the decision of the local committee is final.

The local pension committee is appointed for every borough and urban district of 20,000 population or over, and for every county (excluding such urban districts), by the urban and district councils and by the county council. A local pension committee is to contain not less than seven members, nor more than the number of the council by which it was appointed; and not less than three constitutes a quorum. The term of office of a member is three years or less, and is fixed by the council at the time of the appointment. Each committee has the right to appoint sub-committees, but when doing so is required to notify the local government board and the pensions office and to specify the area for which the sub-committee is appointed to act.

A penalty of imprisonment for a term not to exceed six months and hard labor is imposed upon a claimant for knowingly making any false statement which would entitle him to a pension or to a higher rate of pension; while the pensioner, or in case of death, his "personal representative" is made liable for the amount of pension received while the statutory provisions governing a pension were not fulfilled, or while a person was disqualified for receiving a pension, and the sums are to be recovered as "a debt due to the crown."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The act is also made to apply to Scotland, Ireland, and to the Isles of Scilly, by changing the wording to fix the circumstances in each case. It goes into effect January 1, 1909, and no pension begins to accrue until that time.

HORACE SECRIST.

Reservation of Mineral Rights in Public Lands. On December 9, 1908, Senator La Follette introduced a bill (S. 7369) "reserving from entry and sale the mineral rights to coal and other materials mined for fuel, oil, gas, or asphalt, upon or underlying the public lands of the United States" and further providing for "the sale of the surface" and for "the leasing of the mineral rights in such lands."

Licenses for raising coal or other minerals designated may be issued for a period not longer than thirty years and for areas not exceeding five governmental sections of land. But "no common carrier or association, any member of which is an officer, agent, or shareholder, or in any manner interested in the business of any common carrier" may hold a license under the proposed act. The bill further provides "that no person or association, corporate or otherwise," may receive licenses to more than one area; and no association, any member of which is a licensee or is interested in any association which is a licensee may be permitted to hold a license.

Definite provision is made for the payment of rents and royalties to the government. A rent of not less than ten cents per acre is required annually in advance, but the rent is to be abated by the amount paid in royalties and is to be wholly abated when the royalties equal the rent charges. In determining the amount of royalty to be paid the secretary of the interior is required to give consideration "to proximity to transportation facilities, to market conditions, and such other circumstances and conditions as affect the business." The bill also provides a minimum royalty "of not less than eight cents per ton on all coal or other mineral mined for fuel, and not less than sixty cents per ton upon mineral mined for hard asphalt, and of not less than fifteen cents per barrel of mineral mined for soft asphalt, and not less than one-sixth of the value of the product of any oil well, and not less than $50 per annum for each gas well not utilized and at a rate of not less than one cent per thousand cubic feet of gas when the product of such well is utilized at the works, exclusive, however, of coal dust and coal or other mineral mined for fuel, oil, gas, or asphalt, used about the works."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Provision is further made for securing the effectual working of the property; for the observance of regulations relative to the safety of employees; for the protection of the surface of licensed areas; and for the surrender of the works in case of forfeiture or at the expiration of the license.

M. A. S.

Taxation of Business Corporations—Massachusetts. Massachusetts has passed a law modifying very materially the distribution of the franchise tax on business corporations. The law is the result of a general feeling of dissatisfaction which has found expression in the report of the commission on taxation. In Massachusetts previous to 1908 business corporations were taxed upon their franchises, the amount derived from this course was distributed to the cities and towns where the stockholders had their place of residence. The commission in its report showed that the cities of the State were pretty clearly divided into two classes, the residence and the industrial, and proved conclusively that very often the owners of the capital stock did not reside in the industrial city or town where the business corporation was located but rather in a town primarily residential. The result was that residence towns and cities received much more from the franchise tax on corporatons than they contributed, and the industrial towns and cities often contributed much more than they received in return. In short, the industrial centers, like Lawrence, were paying taxes that were later distributed to residence towns and cities like Brookline and Manchester.

The commission recognized that the system was incorrect in theory and harmful in practice, admitted that nothing could be said in its favor except that it existed, but being mindful of the evils of a radical change, agreed that certain conditions had arisen that must be taken into account before sweeping changes were made. The commission recommended that the Commonwealth retain as at present all that portion of the tax represented by stock owned outside of the State; that one-half the remainder be distributed as at present, and that the other half be given to the cities and towns where the business was carried on.

This recommendation, in the form of a law, was adopted by the legislature and approved (Laws 1908, c. 614).

ROBERT ARGYLL CAMPBELL.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Taxation—Centralization of, in Massachusetts. Massachusetts, during the last session, again added a few laws looking toward the perfecting of her tax system. A commission was appointed in 1907 to investigate the subject of taxation and to codify, revise and amend the tax laws. This commission was impressed with the need of closer supervision of the assessment of property by the State, and after pointing out the need of greater uniformity in the methods of assessing property, the great diversity of practice in the actual work of assessment among boards of assessors, the under-valuation of real estate, the lack of uniformity in the taxation of machinery and merchandise and the chaotic condition in the taxation of intangible property, the commission went on to say, "That no system of taxation can be effective unless the administration and enforcement of the law are made uniform throughout the Commonwealth."

The commission recommended a measure extending the supervision of the State over the assessment of property. The bill as recommended by the commission provided for the appointment of twelve commissioners with power to revise the valuation of all property for the purposes of taxation. The law as actually passed by the legislature states that the tax commissioner may with the advice and consent of the governor and council, appoint, and with this consent, remove, three supervisors of assessors; subject to the control, approval and direction of the tax commissioner, the supervisors of assessors are to perform all the duties imposed upon the tax commissioner by section 5 of chapter 14 of the revised laws. These duties actually expressed are chiefly as follows: The inspection of the work of assessors, laboring to produce uniformity in valuation, the prosecution of assessors violating assessment laws of the State, and the giving of an opinion to assessors and collectors on any question relating to the assessment and collection of taxes. In addition to this the broad general statement is added that they may exercise under the control of the tax commissioner all the powers and authority in the taxation of property and the collection of taxes as are conferred by law upon the tax commissioner himself.

Under the new law it becomes the duty of the supervisors of assessment, under the direction of the tax commissioner, to furnish to the local assessors all the information in their possession relating to the assessment, valuation, and ownership of the property of any individual within the assessor's district.

If the tax commissioner has reason to believe that all of the property or any part of it in any city or town is not valued in accordance with

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the provisions of law, and that failure to make the proper valuation is due to inadequate methods of keeping records of valuation or ownership or to failure on the part of the assessors to properly examine the records of the register of deeds and probate court, or to make use of information furnished, he can direct the assessors of the city or town to adopt better methods of keeping their records, to make examinations of records of the register of deeds and the probate court, and make use of such information furnished as he may deem necessary. If the directions of the tax commissioner are not complied with he must notify the mayor of the city or the selectmen of the town and make such recommendation as he may deem necessary and expedient.

In the bill as recommended by the commission the supervisors were to have authority, under the direction of the tax commissioner, to revise the valuation of all property for the purpose of taxation, but in the law as actually passed this section was greatly weakened and the tax commissioner is simply given the power to recommend to local boards of assessors a revisions of valuations. If the recommendation is accepted and adopted by the local boards, the new assessment is to take the place of the old, otherwise the old assessment will stand and the commissioner is helpless.

The legislature was not willing to go quite as far in the matter of centralization of assessment and taxation as was the commission of experts. (Laws 1908, c. 550.)

ROBERT ARGYLL CAMPBELL.

Taxation: Graduated Land Tax—Oklahoma. Graduated progressive taxes are quite common but the rule of graduation and progression is usually applied to incomes and inheritances and not to taxes in general. Oklahoma after levying a graduated progressive tax on the sources of revenue usually burdened in this manner proceeded to include land in the list and make it subject to the same rule.

The tax is not to depend upon acreage as we usually understand it, but upon total value, measured by the value of an average acre taken as the standard. This standard acre by which all others are to be measured is the acre of average value when the entire State is considered. In Oklahoma, for a time at least, this value is fixed at $20. If a given piece of land is twice as valuable as the average, the number of acres will simply be doubled and if it is only half as valuable as the average the total acreage will be reduced by half. The number of acres depend not upon the acres but upon the value. It is,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in short, a clumsy way of expressing the simple fact that the acreage and the rate of taxation are to depend upon and be governed by the total value of the entire farm or tract.

Any person owning land in the state equal in value to 640 acres of average taxable value land or less must pay the same rate as is levied upon all personal or other property. The rate above this point is as follows: in excess of 640 but not exceeding 1280 acres of average taxable value land, ¼ of 1 per cent; in excess of 1280 but not exceeding 3000 acres of average taxable value land, 1 per cent; in excess of 3000 but not exceeding 5000 acres of average taxable value land, 2 per cent; in excess of 5000 but not exceeding 10,000 acres of average taxable value land, 5 per cent, and in excess of 10,000 but not exceeding 25,000 acres of average taxable value land, 10 per cent. The tax is levied on the excess over the lower limit mentioned in each case, and is to be levied and collected in addition to the regular uniform ad valorem tax.

One other thing should be noted, and that is that the first 320 acres are to be exempt from the operation of this law regardless of value. This does not mean that the first 320 acres are to be exempt from taxation entirely, but only that such lands shall not be subject to the graduated progressive rate. Each acre of the 320 may be ten times as valuable as the average acre set up as a standard and yet it will not be subject to the progressive rate simply because of its actual area.

In addition to this every person holding land under lease, rental contract or other title less than fee simple, must pay another tax if the land held is in excess of 640 acres. In estimating this tax the standard is the income derived from a given area. The rate on the income received progresses as the area increases and is as follows: 1 per cent upon all incomes, rents, and profits accruing from land exceeding 640 but less than 1280 acres in area, 3 per cent upon all incomes, rents, and profits accruing from land exceeding 1280 but less than 2500 acres in area, 5 per cent upon all incomes, rents and profits accruing from land exceeding 2500 but less than 5000 acres in area, and 10 per cent upon all incomes, rents and profits accruing from land exceeding 5000 but less than 10,000 acres in area.

There can be but little doubt as to the intent of the law. Section 4 states that the provisions of the act are not to apply to such corporations as own and hold land when such ownership and holding is authorized by the constitution and that all taxes not delinquent at the time of transfer are to be set aside if the land is sold to parties whose holding, after purchase, would not be taxable under the act.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

This act simply aids in the enforcement of article 22 of the constitution and chapter 13, article 2 of the session laws, which forbid alien ownership of land and the creation of corporations for the purpose of dealing in real estate outside of incorporated cities and towns. Individuals other than aliens are authorized to own and hold land, and corporations with the exception noted above are authorized to own and hold land, but only to the extent necessary for the proper carrying on of the business for which the corporation was created. Lands held contrary to these provisions would be subject to the tax.

ROBERT ARGYLL CAMPBELL.

Income Tax—Oklahoma. The Constitution of Oklahoma (art. x, sec. 12) gives the legislature power to provide for the levy of an income tax either at a uniform or progressive rate. This privilege was taken advantage of by the legislature and a graduated income tax was passed at the last session. The law as passed does not apply to incomes below $3500 in amount, nor to incomes derived from property upon which a gross receipt or excise tax has been paid. The rate on the excess for all incomes over $3500 is as follows: from $3500 to $5000, 5 mills; from $5000 to $10,000, 7½ mills; from $10,000 to $20,000, 12 mills; from $20,000 to $50,000, 15 mills; from $50,000 to $100,000, 20 mills, and on all incomes in excess of $100,000, 33⅓ mills.

The actual statement of what rates shall be levied is a very simple process in any income tax law, the real difficulty is to provide administrative machinery that will insure its effective and uniform operation. In Oklahoma the assessor must ask each person the following question: "Was your gross income from salaries, fees, trade, professions and property upon which a gross receipt or excise tax has not been paid, any and all of them, for the year ending June 30 last preceding, in excess of $3500?" Persons assessed answering this question in the affirmative are required to certify under oath the excess of their income over $3500. This certificate is forwarded to the state auditor who certifies the amount of the tax due upon the income to the county clerk of the county in which the income receiver resides. It then becomes the duty of the county clerk to place on the tax rolls the amount due and deliver this list to the county treasurer at the same time as the other lists of real and personal property are delivered.

An attempt is made to secure a better administration of the law by requiring the assessor to send to the state auditor not only the names

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the taxpayers who declare that their incomes are above $3500 but also the names of those who in his opinion have incomes in excess of that amount—in short, those whom he believes have not been honest in their declarations of income. When the names are sent in the whole question is placed in the hands of the state auditor; he may take such steps as seem necessary to compel any person whose income is questioned to make proper return; may summon witnesses within the county, where the person whose income is in question resides; and if any witness fails to appear and testify he may call upon the court to compel such attendance and the giving of such testimony.

Any assessor who fails or refuses to perform the duties imposed by this act is to be deemed guilty of malfeasance in office and be compelled to forfeit the amount of the taxes lost by the State because of his failure or refusal.

If any taxes levied under this law become delinquent they are to become a lien upon all the property, real and personal, of the delinquent

The administration of the law is subject to the same difficulties and imperfections as most laws providing for the taxation of personal and especially intangible personal property. The chief difficulty with the law is that it will be evaded. It is true the assessors will get a fraction of the incomes the same as they get a fraction of the mortgages owned and held within the assessment district. Persons with definite, fixed salaries, persons with incomes derived from tangible property of a well known value, persons receiving their incomes from probated estates, and persons with large incomes will be compelled to declare a whole or a part of their income; the whole because they are honest or cannot help themselves, a part because they wish to allay suspicion as to the amount actually received.

The administering of the oath will not reveal all incomes in excess of $3500 and the power of the assessor to send in the names of income receivers suspected of receiving more than that amount will not solve the problem. The auditor will not have time to investigate many individual cases and it will be exceedingly difficult to obtain any reliable information in a great majority of the cases that he does investigate.

The actual administration of the law, measured in part by the amount of revenue derived from this source, will be watched with interest.

ROBERT ARGYLL CAMPBELL.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Inheritance Taxation—Oklahoma. At the last session of the legislature in Oklahoma a law was passed imposing a tax on gifts and inheritances. The practice of imposing such taxes is not new and at the present time is widespread and quite general throughout the United States and Europe. The Oklahoma law, somewhat detailed and minute, is in some respects the embodiment of the laws and practices of other States and in some respects is entirely new.

The law is to apply to all transfers of property, real, personal, and mixed; to all interests in property and to all incomes in trust or otherwise; to all persons, associations or corporations, except corporations of the State organized solely for religious, charitable or educational purposes, but in the case of such corporations the property transferred must be used exclusively for the purposes of the organization. The law is to apply to the property of residents of the State and to the property of non-residents when such property is located within the State; it covers all transfers of property by deed, grant, bargain, sale or gift made in contemplation of the death of the grantor, vendor or donor or intended to take effect at or after such death. The tax is to be imposed when any such person or corporation becomes beneficially entitled in possession of expectancy to the property or the income and is to be upon the clear market value of the property above the excess of the exceptions granted.

The persons entitled to any beneficial interest are divided into five classes, and rates known as primary rates are made applicable to a certain amount of property inherited by each member of the class.

Class one includes the husband, wife, lineal issue, lineal ancestor or any child adopted in conformity with the laws of the State if adopted at or before it has reached its fifteenth year. Property to the clear value of $10,000 transferred to the widow of the decedent and property to the clear value of $5000 transferred to each of the other persons mentioned under class one is to be exempt. After this exemption is deducted a primary rate of 1 per cent is to be imposed upon the next $5000 and upon all in excess of this $5000 the primary rate is to be increased one one-hundred twenty-fifth of 1 per cent for every $100 increase in the valuation of the excess.

Class two includes the brother or sister, the descendant of a brother or sister, a wife or widow of a son or the husband of a daughter of the decedent. Property to the clear value of $500 transferred to each of the persons mentioned in this class is to be exempt, but after this deduction is made a primary rate of 1½ per cent is levied upon the next

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

succeeding $2000 worth of property inherited. Upon all in excess of this $2000 the primary rate is to be increased one-fiftieth of 1 per cent for every $100 increase in the valuation of the excess.

Class three includes the brother or sister of the father or mother or a descendant of the brother or sister of the father or mother of the decedent. Property to the clear value of $250 transferred to each of the persons mentioned in this class is to be exempt, but after this deduction is made a primary rate of 3 per cent is levied upon the next succeeding $2000 worth of property inherited. Upon all in excess of this $2000 the primary rate is to be increased one-fiftieth of 1 per cent for every $100 increase in valuation of the excess.

Class four includes the brother or sister of the grandfather or grandmother or a descendant of the brother or sister of the grandfather or grandmother of the decedent. Property of the clear value of $150 transferred to each of the persons mentioned in this class is to be exempt, but after this deduction is made a primary rate of 4 per cent is levied upon the next succeeding $500. Upon all in excess of this amount the primary rate is to be increased one-tenth of 1 per cent for every $100 increase in valuation of this excess.

Class five includes all persons inheriting property who are in any other degree of collateral consanguinity than mentioned in the classes given above, a stranger in blood to the decedent, a body politic or a corporation. Property to the clear value of $100 for each such person or corporation is to be exempt from the operation of the law and after this deduction is made a primary rate of 5 per cent is levied upon the next $500 and upon all in excess of this amount the primary rate is to be increased one-tenth of 1 per cent for each $100 increase in the valuation of the excess.

This tax is to remain a lien upon the property transferred until paid and the person to whom the property is transferred, the administrator, the executor or the trustee of every estate transferred is to be personally liable for the tax until its payment.

The amount of the tax is first to be paid to the treasurer of the county in which the county court having jurisdiction is situated and when it is paid the treasurer must make out duplicate receipts, one for the administrator, executor or trustee, and one for the State auditor. In order to check up the whole account the auditor charges the treasurer with the amount of the tax, countersigns the receipt, stamps it with

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the official seal and returns it to the executor, administrator or trustee, a proof that the tax has been paid.

If the tax is paid within one year, a discount of 5 per cent is to be allowed and deducted and if the tax is not paid within eighteen months, interest is to be charged and collected at the rate of 10 per cent per annum from the time the tax accrues. The interest rule does not apply if claims have been made which necessitate litigation or other unavoidable causes of delay prevent the settlement of the estate. Every executor, administrator or trustee has the same power to sell the property of the decedent to pay the tax as he has to sell property to pay the debts of the testator or intestate.

It is the duty of the administrator or trustee having the property or legacy in charge to deduct the tax and pay it to the county treasurer; if the legacy or property is not in money, he must levy the tax upon the appraised value and collect it from the persons entitled to the inheritance. And moreover, it is contrary to law for the administrator to deliver any specific legacy or property subject to the tax until he has collected the amount specified. In certain cases where the property is not received at once, the beneficiary or any executor, administrator or trustee may elect to postpone the payment of the tax until the persons beneficially interested have come into the actual possession or enjoyment of it, but if this is done the person or persons who choose to defer the payment must give a bond to the State amounting to three times the value of the tax.

To insure the payment of the tax on property situated or located within the State when the decedent was a non-resident, the law provides that the foreign executor administrator, or trustee must pay the tax to the treasurer of the proper county or to the state auditor and that institutions like deposit companies and banks and in fact any person or persons holding securities or assets may not deliver or transfer them to the executor, administrator or legal representative of the non-resident decedent unless notice of the time and place of the intended transfer has been served upon the state auditor at least ten days prior to the actual transfer. Such institutions or persons cannot legally deliver or transfer any securities or assets of the estate of a non-resident decedent without retaining a sufficient amount to pay any taxes that may be assessed under the law. Failure to comply with this provision renders the institution or person liable to the payment of the tax due upon the securities or assets.

In order to arrive at a fair valuation of the property the county

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

court must, whenever application is made by any interested party, appoint a competent person as appraiser to fix the fair market value of the property transferred, the valuation to be immediately upon the transfer or as soon thereafter as practicable. In making this valuation the appraiser is given the power to issue subpœnas, to compel the attendance of witnesses, and to have them give testimony under oath as to the value of the property in question. If the state auditor or anyone is dissatisfied with the appraisement and determination, he may apply for a re-hearing, this re-hearing to be upon the records, proceedings and proofs and a new trial is not to be granted unless specially ordered by the county court.

For the period of a year after the value of the estate has been determined and the tax levied an opportunity is still left to the state auditor to see that the state has received a just amount of the tax. If the state auditor believes that the final appraisal, assessment and determination has been fraudulently or erroneously made, he may make application to the judge of the district court and the judge may then appoint a competent person to re-appraise the estate. The report of the new appraiser is filed in the district court and the determination and assessment of that court is to supersede the determination and assessment of the county court.

Still another safeguard is added to insure the collection of the tax. If the treasurer of any county has reason to believe that any tax is due and unpaid he must notify the county attorney and it then becomes the duty of the county attorney, if he has cause to believe that such tax is due and unpaid, to apply to the county court for a citation citing the persons liable to pay such tax to appear before the court and show cause why such taxes should not be paid.

All taxes levied and collected under this act, less any expenses of collecting, are to be paid into the treasury of the State, one-half of the amount to be use for the public schools of the State and one-half to be applicable to the expenses of the State government and to such other purposes as the legislature may by law direct.

(Ch. 81, art. xi, Laws of 1907–1908.)

ROBERT ARGYLL CAMPBELL.

Mortgage Taxation. Two States, Maryland and Louisiana, have again considered the question of mortgage taxation. As yet Maryland has not solved the question; the system seems well established but the counties in which the law is to apply are still in doubt. The

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

present plan of levying an income tax on the interest received from mortgages was introduced in 1896 and remained in force until 1904 when it was repealed in so far as it related to certain enumerated counties. Some counties have been added to and some taken from this list and the task at the present time seems to be to decide just where the law is to apply. Previous to the last session (1908) the law providing for the income tax on interest received from mortgages was in force in ten counties, but in 1908 the statutes were modified and Washington county taken from the list. A special act approved April 6, 1908 (c. 564), specifically repealed the law in Garrett county as well, while an act approved April 8, 1906 (c. 283), included Garrett county within the area where the law still operates without repealing the act of April 6, 1908. There is still need of legislation in Maryland.

The Louisiana legislature passed two measures; one an act, the other a proposed constitutional amendment. The act simply states that mortgage notes and indebtedness and all evidences of indebtedness are to be taxed only at the situs and domicile of the holder or owner. Where mortgages are taxed as personal property, it has usually been the custom to tax them to the owner or holder at his place of residence only, whether that residence was within or without the State. The act passed in Louisiana really adds nothing to the present almost uniform custom; it is simply a declaration of the law on the question, but will have very little if any effect on the tax system of the State.

The proposed constitutional amendment which received the approval of the people last November (1908) recognized the difficulty in attempting to tax mortgages—namely, that they are one of the most elusive forms of intangible property and very hard to tax—and went to the other extreme. The legislature, sanctioned by a vote of the people, followed the example of Idaho and Washington and provided for their total exemption. The constitutional provision reads as follows: "In addition to the property now exempt from taxation by existing laws there shall also be exempt from taxation loans made upon the security of mortgages granted upon real estate situated in this state, as well as the mortgages granted to secure said loans, and the notes, bonds or other written instruments evidencing the said loans, whether in the hands of the mortgagee or his or their transferees." (Laws 1908, act no. 62.)

ROBERT ARGYLL CAMPBELL.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Trusts. A bill to suppress "pools, trusts, and combinations in trade" in any kind of interstate or international business in the United States was introduced in Congress, December 9, 1908 (S. 7371).

The bill like many of its predecessors is aimed against the *forms* rather than against the *causes* of monopoly. It prohibits "any pool, trust, agreement, consolidation, confederation, or understanding" for the regulation of prices or for the limitation of quantity. The practice of "clubbing" competitors in order to secure a monopoly is prohibited and the bill specifically makes it unlawful to sell at less than cost of production, to sell at less a price in one section of the United States than in another, or to sell or give away in any manner so as to drive out competition or financially injure competitors engaged in similar business.

The bill proceeds to define a monopoly or trust at great length as "any union or combination or consolidation or affiliation of capital, credit, property, assets, trade, customs, skill, or acts, or any other valuable thing or possession, by or between persons, firms or corporations, or associations of persons, firms, or corporations, whereby any one of the purposes or objects mentioned in this act is accomplished or sought to be accomplished, or whereby any one or more of said purposes are promoted or attempted to be executed or carried out, or whereby the several evil results mentioned herein are reasonably calculated to be produced; and a monopoly or trust as thus defined and contemplated includes not merely such combination by and between two or more persons, firms, and corporations acting for themselves, but is intended to include all aggregations, amalgamations, affiliations, consolidations, or incorporations of capital, skill, credit, assets, property, customs, trade, or other valuable thing or possession, whether affected by the ordinary methods of partnership or by actual union under the legal form of a corporation, or any incorporated body resulting from the union of one or more distinct firms or corporations, or by the purchase, acquisition, or control, of shares or certificates of stocks or bonds or other corporate property or franchises; and all partnerships and corporations that have been or may be created by the consolidation or amalgamation of the separate capital, stock, bonds, assets, credit, property, customs, trade, corporate or firm belongings of two or more persons, firms, or corporations or companies, are declare to constitute monopolies or trusts within the meaning of this act, if so created or entered into for any one or more of the purposes named in this act."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A monopoly or trust as thus defined is declared to be unlawful and against public policy "and any and all persons, firms, corporations, or associations of persons engaged therein" are to be "deemed and adjudged guilty of a conspiracy to defraud." The bill prescribes a forfeiture of not less than $5000 for each offense and each day that a violation continues is to constitute a separate offense. In addition to the forfeiture "any person, representative, or agent of any partnership, association, corporation, or company, or any officer thereof," violating the provisions of the act, is to be deemed guilty of a felony, and upon conviction, is to be imprisoned for not less than five nor more than twenty-one years. To these penalties is added forfeiture of all rights "to do any such interstate or international business" and in the case of corporations forfeiture of corporate existence. All business transacted contrary to the provisions of the act is declared to be unlawful and contrary to public policy, and the purchaser is not liable for the price and in cases where the price is paid the person so paying may recover the value in any court of competent jurisdiction in the United States.

The enforcement of the provisions of the act is placed with the attorney-general of the United States and the district attorneys of each district in the State in which any offense may be committed. Suits for the enforcement of the act are to be instituted and conducted in the district courts and upon appeal the attorney-general of the United States or his assistants are required to prosecute such suits in the supreme court of the United States or any courts of appeal.

Federal Control of Water Power in Switzerland. With an appreciation of the possibilities of their water power, and especially since the opening of the era of its development by foreign capital, there has come to the Swiss people a realization of the necessity for regulation and control, not only by the cantons, but by and for the people as a whole.

As Switzerland has no coal, and as the growth of her railways and of other local power-consuming industries has been stimulated by the application of electricity the immense value of her torrents and waterfalls for local use as well as for developing power for exportation has been emphasized. Hitherto the control and disposition of natural resources has lain entirely with the cantons. There is no national domain. Swiss territory is entirely cantonal. In making concessions to companies or to individuals the cantons have consulted simply their own individual interests. Not only has the federal government

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

no control over these grants but, being, forced for the satisfaction of its own needs to enter and bid in the open markets, it has experienced direct disadvantages under this—to it—expensive system.

Finally, upon demand of the federal council, the assembly decreed a provisional embargo forbidding the exportation of hydraulically developed power without express order of the council. They then set to work to frame an article for the constitution whereby the federal government would be given the right to legislate so far as this question affected the general interest. Popular initiative in the meantime, demanded an article of the same nature. The federal council worked out an article which declares the right of legislation concerning hydraulic power to be vested in the federation, and further, explains the reasons for framing such an article, what usage would be made of it, and what rights in the matter would remain with the cantons. This article allows the assembly to legislate concerning water-power to such extent as may be necessary for safeguarding the public interests and assuring the rational use of these resources. It also provides that power shall not be exported except by permission of the confederation. Outside this the control remains with the cantons. The revenues derived from such concessions as shall be allowed are to belong to the cantons.

This article is to be submitted, by referendum, to a popular vote.

STANLEY K. HORNBECK.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NEWS AND NOTES

The Fifth Annual Meeting of the American Political Science Association

The fifth annual meeting of the American Political Science Association was held at Washington, D. C., and Richmond, Va., December 28–31, 1908. At the same time and places the annual meetings were held of the American Historical Association, the Bibliographical Society of America and the Mississippi Valley Historical Association. Sessions of the Political Science Association were held in Washington, Monday afternoon and evening and Tuesday morning, Mr. Bryce's presidential address being delivered Monday evening. Tuesday afternoon, by special train, the members of the various associations went to Richmond, arriving there in the late afternoon. That evening a joint session was held with the Historical Association, its President, Prof. George B. Adams, delivering the annual address, the topic selected being History and the Philosophy of History. The sessions of the Political Science Association, lasting until Thursday evening, were devoted to the reading and discussion of papers relating to the Increase of Federal Influence and Power in the United States, American Colonial Problems as Revealed in the Light of Ten Years' Experience in Porto Rico and the Philippines, Recent Tendencies in State Constitutional Development, Active Agencies in the Betterment of Municipal Administration, International Law, and Instruction in American Government in the Secondary Schools.

The discussion of this last subject was based upon a report of a committee read by its chairman, Prof. W. A. Schaper, of the University of Minnesota, which report was based upon a careful investigation carried on for several years of the methods of instruction employed in our secondary schools in the teaching of American government, and especially of the extent to which that subject is taught as an independent study or as an adjunct to history. The committee emphasized the need of having American government taught as an independent subject in the secondary schools, and the Association at its annual business meeting unanimously approved this recommendation.

The secretary reported a large increase in the membership of the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Association, the number of members having increased in two years from approximately four hundred to nearly eight hundred.

An amendment to the constitution was adopted, increasing the number of elected members of the executive council from ten to fifteen, and the term of their office from two to three years, provision being made for the retirement of five members each year.

The officers elected for the year 1909 are as follows: president, A. Lawrence Lowell, of Harvard University; first vice-president, T. S. Woolsey, of Yale University; second vice-president, Paul S. Reinsch, of the University of Wisconsin; third vice-president, Henry Jones Ford, of Princeton University, secretary and treasurer, W. W. Willoughby, of Johns Hopkins University. The elected members of the executive council, including those holding over from last year, are as follows: J. H. Latané, C. E. Merriam, J. W. Jenks, F. J. Goodnow, Isidor Loeb, Stephen Leacock, Albert Shaw, F. N. Judson, Walter L. Fisher, Milo R. Maltbie, W. B. Munro, L. S. Rowe, J. S. Reeves, W. A. Schaper, B. E. Howard.

Socially the meeting was a most enjoyable one. Monday evening a reception to the associations was given at the British embassy by Mr. and Mrs. Bryce. Tuesday noon there was a luncheon at the New Willard Hotel, in Washington; Tuesday evening a reception in the parlors of the Hotel Jefferson, in Richmond; Wednesday afternoon a reception at the Woman's Club of Richmond, and Thursday evening a New Year's Eve celebration at the Westmoreland Club. On Friday there was an excursion to Charlottesville and the University of Virginia.

New York City was chosen as the place for the next annual meeting of the Association, to be held during Christmas week, at which time and place the American Historical and American Economic Associations will also hold their annual meetings.

The fifth volume of *Proceedings* of the Political Science Association, containing the papers read at the meeting just held, will be published as soon as possible and should appear before April.

Personal and Bibliographical

J. W. GARNER

Prof. J. H. Beale, Jr. of the Harvard Law School has in preparation a collection of *Cases on Municipal Corporations.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Mr. Harvey N. Shepard of Boston has been appointed lecturer on Municipal Government in the Boston University Law School.

Mr. Francis W. Hirst, the well-known writer on English Local Government, has been spending a month in America and has given some lectures at Harvard and elsewhere.

The New England History Teachers' Association has just issued *Sample Chapters of an Outline for the Study of American Civil Government in Secondary Schools.* Copies may be had from Mr. Wilson H. Butler of New Bedford, Mass., general editor of the *Outline.*

Many readers of the REVIEW will regret to learn of the death of Dr. Guy H. Roberts, instructor in political science in the University of California, which took place at Berkeley, Cal., in December last. Dr. Roberts was formerly instructor in Bowdoin College, Maine.

Prof. Adam Shortt, formerly of Queen's University (Ont.), has been appointed chairman of the new Canadian civil service commission.

Mr. Horace E. Deming of New York, chairman of the executive committee of the National Municipal League, has prepared a work on *The Government of American Cities,* which will be published shortly by Putnam's.

A committee of the National Municipal League has been appointed to consider the advisability and practicability of reviving the periodical known as *Municipal Affairs,* the publication of which was suspended five or six years ago. It is believed that there is now a sufficient constituency for a periodical devoted exclusively to the publication of matter relating to municipal administration.

Prof. Josef Redlich of the University of Vienna, who was to have given courses on European Government in Harvard University during the second half of the present year, has announced his inability to come to America owing to pressure of political duties in the Austrian reichsrath of which he has been elected a member.

Prof. Albert Bushnell Hart of Harvard University is employing his sabbatical leave of absence this year by a trip around the world. He is at present holidaying in Ceylon.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The authorities of the Harvard Law School Library have been for some time engaged in making a collection of American city charters.

Mr. Payson J. Treat of the Leland Stanford Jr. University is giving a course on Colonial Government at Harvard this year.

It is announced that the report of the Boston Finance Commission will be given to the public on February 1, 1909. It will undoubtedly recommend important changes in the present Boston charter.

Mr. J. Wells Farley, secretary of the Boston Finance Commission, is to give, during the second half of the present year, instruction for graduate students at Harvard in the Administration of Municipal Business.

Prof. Amos S. Hershey of the University of Indiana is preparing a college text-book on International Law for the Macmillan Company.

Mr. L. E. Aylsworth of the University of Nebraska has been promoted to the rank of adjunct professor of political science.

Dr. Delos F. Wilcox has been appointed chief of the franchise bureau of the New York City public service commission.

Prof. Munro Smith of Columbia University will be on leave of absence during the second semester of the present year.

Mr. Arthur K. Kuhn, Doctor of Philosophy from Columbia University, member of the New York Bar and translator of Meili's *International Civil and Commercial Law*, will give Prof. J. B. Moore's course on the Conflict of Laws at Columbia during the second semester of the present year.

Prof. Henry Jones Ford of Princeton will deliver the Blumenthal lectures at Columbia next fall. His subject will be the Cost of National Government.

Ernst C. Meyer, B.S., Wisconsin, 1901, has been appointed lecturer in political science in the University of Wisconsin. Mr. Meyer is a brother of Prof. B. H. Meyer, chairman of the Wisconsin railroad commission, and is at present consul for the United States at Chemnitz, Germany. He took his degree of Ph.D. at Leipzig in 1905. He is the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

author of *Nominating Systems, Direct Primaries versus Conventions in the United States; Industrial Education in Germany; and Wahlamt und Vorwahl in den Vereingten Staaten von Nord-Amerika.* Dr. Meyer will give courses in Federal and State Administration, Municipal Government, and the Consular Service.

Dr. James D. Barnett, professor of political science in the University of Oklahoma, has resigned to accept a similar chair in the University of Oregon. Mr. Barnett did his graduate course at the University of Wisconsin where he received the doctor's degree, and has filled the chair of political science at Oklahoma since 1905. He is succeeded by Mr. J. H. Sawtell, a graduate of Harvard University.

Prof. John A. Fairlie of the University of Michigan will spend the second semester of the present year in the service of the bureau of corporations at Washington. His courses will be given by Mr. W. L. Bailey of the University of Wisconsin.

Prof. William B. Munro of Harvard University has been elected president of the New England Teachers' Association.

On November first at a special meeting of the Argentine Academy of History, Prof. L. S. Rowe of the University of Pennsylvania was made a member of the Association.

Mr. Jacob Van der Zee, who, as a Rhodes scholar, has just completed the course in history and political science at Oxford, England, has been elected to the position of research assistant in the State Historical Society of Iowa. The Society has lately published a *History of Labor Legislation in Iowa*, by E. H. Downey; also a biography of Augustus C. Dodge, once a United States senator from Iowa and later minister to Spain. The author is Louis Pelzer.

The Chicago harbor commission appointed by Mayor Busse to consider the harbor needs of the city and report upon the possible means of improving the present facilities has prepared an elaborate report which will be printed at an early date. Prof. C. E. Merriam served as secretary of the commission.

Mr. Clarence B. Lester, founder of the legislative reference department in the Indiana State Library, has been appointed to succeed Mr. Frederic

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Bramhall as legislative reference librarian (the title has been changed from sociology librarian) of the New York State Library.

President Benjamin Ide Wheeler of the University of California has been chosen by the Columbia faculty of political science as the Roosevelt professor at Berlin for the year 1909–1910; Dr. Albrecht F. K. Penck, professor of geography and director of the geographical institute at Berlin, has been appointed Kaiser Wilhelm professor at Columbia for the year 1908–1909.

The report of the proceedings of the fourteenth annual meeting of the Lake Mohonk Conference on International Arbitration, held at Lake Mohonk, May 20–22 last, has appeared. It makes a volume of 190 pages and is published under the editorship of Mr. H. C. Phillips, the permanent secretary of the conference (Lake Mohonk, N. Y., 1908).

An international congress of administrative science is to be held in Brussels in 1910, to which the Belgian government has invited foreign countries to send their specialists in the field of administration. The work of the congress will be divided into four sections dealing with municipal, provincial and departmental administration and administrative documents. Reports on the best administrative methods of the world will be presented and will be printed in the proceedings of the congress. Information concerning the congress can be obtained of M. De Vuyst, inspecteur principal au ministère de l'agriculture, 22 Avenue des Germains, Brussels.

Under the auspices of the Grand Rapids Public Library there is being given a series of free lectures, by representatives of the various municipal boards and departments showing the work that they do and the money they receive and spend for the city.

Several organizations in Michigan are coöperating in the formulation of a new general law for the incorporation of cities, in pursuance of the new constitution which was ratified in November last by a vote of 240,000 to 130,000 and which went into effect January 1. A committee of delegates to the late constitutional convention, among whom we note the names of two members of the American Political Science Association, Messrs. John A. Fairlie and J. F. Barnett, together with a committee representing the League of Michigan Municipalities, are at work on a bill to be presented to the legislature at the present session.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The *New York State Library Index of Legislation* for 1907, edited by Mr. Frederic D. Bramhall, sociology librarian, is a volume of 600 pages and in quality comes fully up to the standard set by Dr. Whitten, Mr. Bramhall's predecessor. According to the statistics published in the *Index* the legislatures of 41 States were in session during the year preceding October 1, 1907, the number of laws and resolutions adopted aggregating 16,064. The largest output of legislation was in North Carolina where 1572 acts and resolutions were passed during a session of 62 days, or an average of more than 25 per day. Other prolific legislatures were those of Wisconsin which passed 724 measures, Michigan which passed 790, Connecticut which passed 782, Alabama which passed 766, Pennsylvania which passed 741.

Legislative reference bureaus have been established, or enlarged and put on permanent foundations, during the past year in Indiana, Michigan, Nebraska, North Dakota, Rhode Island and South Dakota. In most of these States the bureau is to be a part of the State library. In Nebraska it is a part of the State Historical Society, for the better equipment of which $25,000 was appropriated. In Indiana $4000 annually was appropriated, of which $1500 is to pay the salary of the reference librarian. In Alabama provision was made for enlarging the sphere of the Department of Archives and History, so as to include the work of a legislative reference library.

In his annual report for the year 1907, as treasurer of Porto Rico, Mr. W. F. Willoughby not only has covered the fiscal operations for the year but has given a general account of the administration of the finances of the island since the establishment there of civil government. The volume thus makes an interesting and valuable study in the art of colonial administration. The results shown are in general very satisfactory, and in some cases remarkably so. Thus may be especially mentioned the bringing out of bankruptcy of some sixty-six local governments and placing them upon a firm financial basis, and the establishment of uniform accounting throughout the island.

Judge Taft's lectures in the Yale course on the Responsibilities of Citizenship have appeared in book form (Scribner's) under the title *Four Aspects of Civic Duty*. They are written from the point of view of a university graduate, a federal judge, and one connected with colonial and national administration. Judge Taft deals with the problems of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

government in the Philippines, and in domestic affairs presents arguments against the abolition of the institution of private property. He argues for general though not servile allegiance to party for the maintenance of the full power of the judiciary and for reform in the administration of the criminal law. The work does not profess to be one of scholarly research, but is the fruit of a trained mind and wide practical experience in affairs of government.

Students of practical economies will find a need supplied in the excellent account of the present position of the coöperation movement in Europe, *Coöperation at Home and Abroad: A Description and Analysis* by C. R. Fay (London, P. S. King and Son. 1908. Pp. xvi, 403). The author held the Shaw research studentship in the London School of Economies, 1906–1908, and also was assisted by a grant from the Worts fund for the purpose of continental travel. Especially valuable, as not easy to obtain elsewhere, is the appendix on coöperation law in the different countries.

In a work entitled *Six Radical Thinkers* ((Longmans, Green and Company, pp. 266) Prof. John MacCunn has subjected to penetrative and appreciative analysis the thought of Bentham, J. S. Mill, Cobden, Carlyle, Mazzini, and T. H. Green. The work is a most valuable one, and constitutes virtually a history of the radical movement in politics and ethics.

The REVIEW is in receipt of a pamphlet by Mr. Robert P. Reeder on *Rate Regulation as Affected by the Distribution of Governmental Powers in the Constitutions*, which is a separate issue of an article appearing in the *University of Pennsylvania Law Review* for November, 1908, Mr. Reeder discusses the question of the delegation of legislative power with reference both to the State and federal governments. He is of the opinion that the grant of rate-making power to the Interstate Commerce Commission "is so broad that the provision cannot be upheld upon any ground which is not flatly inconsistent with the rule that legislative power may not be delegated."

The South African Closer Union Society has recently issued two publications for use in connection with the South African confederation convention: *The Government of South Africa* (Capetown, 1908, 2 vols); and Long, B. K., *The Framework of Union* (Capetown, 1908, pp. viii,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

207, cxviii). Mr. Long's work contains a sketch of the development of union in Canada, Australia, and Germany; and the texts of the Constitutions of the United States, Canada, Germany, Switzerland, and Australia.

In a new edition, the third, of General George B. Davis' *Elements of International Law* the results of the work of the second Hague conference have been fully incorporated, the complete texts of the final act being published in the appendix. The new questions of international law raised during the Russo-Japanese War are also reviewed and commented upon (New York: Harpers, 1908, pp. 673).

A second revised and enlarged edition of *The Constitutions and Other Select Documents Illustrative of the History of France*, 1789–1907, by Prof. Frank M. Anderson (Minneapolis: The H. W. Wilson Company, 1908. Pp. xxvii, 693) has appeared. Additional references, and the inclusion of documents upon the separation of church and state, increase the worth of this already very valuable volume.

Captain A. T. Mahan, in a new volume entitled *Naval Administration and Warfare* (Boston: Little Brown and Company, 1908. Pp. xiv, 409) considers, among others, such topics as the Principles of Naval Administration, the Organization of the Navy Department of the United States, the Naval War College, and the Monroe Doctrine. Captain Mahan compares the British and American systems of naval administration and points out what he conceives to be the strong and weak points of each. In each, one man is ultimately responsible, but the American secretary has to deal with subordinates, not associates, while the British first lord has associates to advise him rather than subordinates to direct. There is greater unity of action in the British admiralty than in the United States navy department where eight or nine bureau chiefs act independently each of the other without any coördinating element except the single authority of the secretary. This lack of provision for a more effective coördination within the department is, Captain Mahan thinks, the principal defect of the system, though he considers it superior to the British system in that it secures the "strictest individual responsibility" in the secretary and in his principal subordinates, the bureau chiefs. In later chapters he dwells upon the importance of the educational work of the Naval War College and defends the new interpretation of the Monroe Doctrine as "serviceable" if not essential to the peace and safety of the United States.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Mystery of the Pinckney Draft, by Charles C. Nott, formerly chief justice of the United States court of claims, is an interesting study of an old controversy in the history of the Constitution of the United States, namely, whether the draft which Pinckney sent to the secretary of state, John Adams, upon request in 1818, was a true copy of the paper which he laid before the Philadelphia Convention in 1787 and which was subsequently lost. The draft which was sent to the department of state has generally been discredited as a false document. Madison declared that the evidence against its authenticity was "irresistible;" Story did not regard it as worth notice; Bancroft asserted that "no part of it was used and no copy of it has been preserved," and Prof. J. F. Jameson has lately pronounced it to be a "mystery." Judge Nott, however, has undertaken in a volume of 335 pages to establish the authenticity of the Pinckney document and hence to show that the Constitution is more largely the work of Pinckney than of any other man. The reasons why the Pinckney plan has been too readily discredited, Judge Nott thinks, are: first, our exceeding deference to Madison's opinion; second, because the draft never came before the convention for discussion since the committee of detail reported a draft of its own; and third, because the importance of the draft as the work of one man has been exaggerated beyond its true value. His conclusions are that the draft in the state department agrees so closely with that reported by the committee of detail, in form, phraseology, structure and arrangement that the one must have followed the other; that in view of circumstances which are fully explained the perpetration of such a fraud by Pinckney was impossible; and finally, that Madison's notes, meager and imperfect as they are, cannot be admitted as conclusive evidence against the claim of Pinckney. (New York: The Century Company, 1908. Pp. 335.)

Mr. Lewis Henry Haney of the University of Iowa has published a *Congressional History of Railways in the United States*. (Vol. I: *Congress and the Railways Down to 1850*. Madison: Democrat Printing Company. 1908. Pp. 273.) There are twenty-three chapters dealing with the Rise of the Railway Question, Congressional Aid to Railways, Isthmian Projects, the Origin and Growth of the Pacific Railway Idea, etc. The work is based on a study of congressional documents and bears evidence of wide and careful research. It is to be hoped that the author will continue his history through the period of development after 1850.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Control of Public Utilities, by William M. Ivins and Herbert D. Mason is the title of an elaborate digest of and commentary on the law relating to public service companies, arranged in the form of an annotation of the public service commission law of the State of New York. (New York: Baker, Voorhis and Company. Pp. 1229.) The authors have brought together the laws of the several States dealing with the subject of public utilities, along with the judicial decisions, both federal and State, bearing upon the law. The compilation as a whole will be useful not only to the lawyer but to the student of State and municipal government as well. Mr. Ivins dwells upon the passing of the laissez faire doctrine as regards public service corporations and defends the policy of governmental control in the interests of the people. The failure or inefficiency of State control, he points out, has strengthened the movement for national control and converted many States rights advocates into nationalists. Following the line of argument in Mr. Root's address before the Pennsylvania Society of New York, he maintains that changed conditions have largely done away with State lines in economic matters and that the public good can be better subserved by national control than by a multitude of local legislatures with their varying standards of business judgment and moral sense.

The department of economics and sociology of the Carnegie Institution of Washington has in preparation an index of economic material contained in documents published by the States of the United States. The work is under the direct supervision of Adelaide R. Hasse, librarian of the department of public documents in the New York Public Library.

The index is published by States, a single volume to a State. The term economic has been liberally interpreted, including agriculture, banking, charities and corrections, commerce, education, finance, industries, insurance, labor, natural resources, population, public works, railroads, taxation, vital statistics, etc. The arrangement of the contents of each volume is by subject, the material under each subject being entered chronologically. The index is expected to cover the period from the adoption of the federal Constitution to the close of the year 1904.

Henry M. Bacon of the Chicago bar has prepared and published a *Voters' Handbook and Citizens' Manual,* which contains much political information which every citizen must know in order to discharge intelligently his public duties. (Chicago: Callaghan and Company, 1908. Pp. 163.) It gives concise summaries of the election laws, lists of elec-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tive and appointive officers, both federal and State, a digest of the naturalization laws, statistical tables showing the popular electoral vote for president of the United States, etc. It is written in simple language and so arranged that anyone with a common school education can easily understand it.

The Book of the American Municipalities for 1908, published by the League of American Municipalities, 95 Dearborn Street, Chicago, is the third of the annual souvenir publications of the League. The present volume contains a brief review of the League, and a variety of statistical information concerning the population, area, finances and activities of the most important cities of the United States and Canada and of many of the smaller municipalities. It is embellished with portraits of many city officers and is in general more attractive in form than useful as a handbook.

The Proceedings of the twelfth annual convention of the League which was held at Omaha, September 30–October 2, is a most useful publication. Besides the address of the president, Mayor Mahool of Baltimore, and the report of the secretary-treasurer, John MacVicar of Des Moines, the Proceedings contains some fifteen papers, dealing for the most part with municipal accounting and the liquor problem in the cities. Among the more important contributions are the papers on Sewage Disposal, by Prof. A. Marston of Iowa State College, on Uniform Accounts and Reports for Cities, by Dr. Legrand W. Powers, on the Form and Substance of Municipal Reports, by Dr. F. A. Cleveland, Municipal Government by Commission, by Charles A. Huston of Cedar Rapids, and Municipal Home Rule in Michigan, by Prof. John A. Fairlie.

A contribution to American municipal history has been made by Prof. L. M. Larson of the University of Illinois, in his *Financial and Administrative History of Milwaukee.* (University of Wisconsin Bulletin No. 242. Madison, Wisconsin. 1908. Pp. 182). Professor Larson traces the history of Milwaukee from its earliest beginnings through the stage when it was largely a confederation of wards, each possessing in many respects the autonomy and corporate capacity of a municipal corporation; through the period of bankruptcy from 1850 to 1860; through the period of financial readjustment from 1861 to 1870; and through the period of public improvements and large undertakings to the year 1904. Important factors in the political history of the city

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

have been the presence of a large foreign element in its population and the growth of a socialist party which elected twelve of the forty-six aldermen in 1906 and which now numbers about one-third of the electorate.

George W. Crichfield, who, we are told, has spent many years in the South American republics as a promoter and builder of railroads, has lately published a book in two volumes, entitled *American Supremacy*, being an account of the rise and progress of the Latin American republics and their relations to the United States under the Monroe Doctrine. (New York: Brentano, 1908. 2 vols.) The first seventeen chapters, constituting Part i of the work are mainly historical and deal with the revolutions in the various republics since the achievement of their independence. Part ii is devoted to character sketches of noted Latin American leaders and dictators, the latter of whom are characterized as "bad," "very bad" and "worst." Part iii deals with the dictatorship as a form of government, Part iv with social conditions, Part v with business conditions, Part vi with governmental bad faith and incompetency, Part vii with climatic conditions, diseases, etc. Book II, consisting of twenty-five chapters, deals in general with foreigners in Latin America and relations with foreign governments, including noted arbitration cases. Book III, consisting of eleven chapters, deals with the applications and development of the Monroe Doctrine, which the author considers a "'national superstition," a "bar to civilization" and a "menace to our national peace and safety." Book IV treats of the imperialistic movement of the great powers and undertakes to outline a rational policy for the United States.

Prof. A. B. White's *Making of the English Constitution* (New York: Putnam's. 1908. Pp. 410) is a well-written summary of the mediæval period. The author aims to give an accurate, up-to-date discussion of the more important institutional developments to 1485 and has in a measure succeeded. The chief defect of the work seems to be a lack of proper proportions. The first one-third takes the reader to the year 1100; but the information given is often too general to be of much value. To the remaining four centuries ample space is given. The strong point of the work is treatment of the judiciary—at least one-third of the book is devoted to this subject. The executive, on the other hand, is not given the attention which its importance deserves. The story of the rise of parliament occupies more than one hundred pages; while the king's council, perhaps the most important organ of the mediæval state,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

is described in thirteen. The prominence thus given to certain parts of the institutional machinery is likely to mislead the student. The book contains a brief but well selected bibliography.

The flood of books relating to the Hague conference continues. One of the latest and most elaborate, in addition to those mentioned in the last number of the REVIEW, is *La Segunda Conferencia de la Paz, reunida en El Haya en 1907*, by Antonio S. de Bustamante y Sirvén, a delegate from Cuba to the second Hague conference and professor of international law in the University of Havana. (Madrid: Suarez, 1908. 2 vols. Pp. xlv, 444 and 392.) The author passes in review the various questions raised in the conference, the propositions, motions and discussions relating to each and the manner of disposal. He also summarizes the work of the first conference and traces the steps which led up to the calling of the second. Such questions as disarmament, the Drago doctrine, the laws of maritime war, the rights of neutrals, arbitration, the international prize court, and many others are considered at length. In summarizing the results of the conference the author records his appreciation of the liberal and progressive spirit which marked the proceedings and expresses the opinion that a substantial advance was made in the direction of a more enlightened system of international law. The work concludes with an appendix containing a Spanish translation of the acts of both conferences, and also of the Geneva convention of 1864 as modified by that of 1906.

Another work, published by the Dutch government, and to be completed in three volumes, is the *Deuxième Conférence Internationale de la Paix, Actes et Documents* (La Haye: Imprimerie, 1907), the first volume of which contains the programs, the list of delegates, the minutes of the plenary sessions, the reports presented to the conference, and the texts of the conventions. The second and third volumes, not yet published, will contain the official minutes of the proceedings of the various commissions, together with the texts of the propositions, projects, etc., presented to the conference.

An English work, entitled *International Problems and the Hague Conference*, by Mr. T. J. Lawrence (London: J. M. Dent and Company, 1908), attempts "to furnish students with an account of the Hague conferences considered not as isolated phenomena but as immensely important points in the revolution of international society" and "to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

place before thoughtful people who take an interest in the affairs of the world around them sound information about a series of events of which they have read in a desultory fashion in their newspapers, but as to which their knowledge is, as a rule, both imperfect and confused." The author treats in an admirable fashion, though briefly, some of the important questions before the Hague conferences, particularly those relating to blockade, right of search, the use of submarine mines, contraband, prizes and maritime war in general. It is a little book calculated to stimulate sound thinking and clear up confused notions on various questions relating to the law of maritime warfare.

Dr. James Brown Scott has rendered a useful service to American students by the preparation and publication of *The Texts of the Peace Conferences at the Hague, 1899 and 1907.* (Boston: Ginn and Company, 1908. Pp. xxxiv, 444.) All the acts, recommendations, conventions and declarations of both conferences are printed in parallel columns in French and English, the French text having been compared word for word, we are told, with the official copies in the department of state. Historical notes by the editor are appended to many of the provisions. In addition to the texts of the official acts of the conferences there are copies of the Russian rescript of August 24, 1898, and the circular of January 11, 1899, through which the first conference was called, the official correspondence relating to the calling of the second conference, documents referring to and explanatory of the Hague conventions, such as the declarations of Paris and St. Petersburg, the Geneva conventions, the instructions for the government of the armies of the United States, etc. There is a prefatory note by Secretary Root, an introductory chapter by the editor, and an excellent index-digest of nearly forty pages which will add greatly to the convenience of the work. A French work quite similar in plan and scope has been prepared by Professor Renault of the University of Paris, who was a delegate to both conferences. It is published by A. Rousseau (Paris, 1908. Pp. viii, 214).

The Laws of War on Land, by Prof. T. E. Holland of Oxford (The Clarendon Press, 1908. Pp. 158), is a revision and enlargement of his manual prepared for the British government in 1904 in pursuance of the rules of the Hague convention of 1899, which made it the duty of the signatory powers to prepare instructions for their armed forces on land, in conformity with the regulations agreed upon by the conference. The present revision brings the compilation up to date by including the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

several conventions adopted by the second Hague conference relating to the laws and customs of war. It consists of 140 articles selected mainly from the Geneva convention, the declaration of St. Petersburg and the various conventions of the first and second Hague conferences. Each article is annotated and briefly commented upon by the learned author. There is an appendix containing notes, instructions, the text of the Hague conventions concerning the laws of war on land, etc.

The appearance of *Des corporations d'affaires au Massachusetts* by William Rappard (Paris: Giard et Brière. 1908. Pp 278), a Swiss student who spent some time in Massachusetts working under the especial guidance of Professor Bullock of Harvard, will be welcomed by all students of corporate development from the economic standpoint as well as by students of comparative legislation. The monograph is divided into three parts: First, a legislative history of business corporations in Massachusetts from their origin in that State to the present day; second, a study of the actual operation of the law with some comparisons with that of the other States and some of the European countries, viz: Germany, France and Switzerland; and third a critical summary, with general conclusions. The work is accompanied with some statistical tables and a list of the several acts relating to corporations in Massachusetts.

A new edition, the third, of Arthur Girault's *Principes de Colonisation et de la Législation coloniale* has lately been published (Paris: Larose et Tenin, 1908. 3 vols.). The original two volumes have now grown to three, Algeria and Tunis occupying an entire volume.

L'expansion allemande hors d'Europe, by E. Tonnelat (Paris: Colin, 1908. Pp. 278), is a study of German emigration and colonization in countries outside of Europe. The Germans in the United States, and Shantung, and the German colonies in Brazil and South Africa form the principal topics of study. Regarding recent German colonization in Brazil and the apprehensions which have been raised in the United States, the author expresses the opinion that there is no reason to believe that if an independent German state should be founded in that part of the world it would be annexed by the German empire.

Prof. Léon Duguit of the University of Bordeaux, whose work entitled *Droit Constitutional* (1907) was noticed in a recent number of the REVIEW, has lately published a small volume under the title *Le droit*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

social, le droit individuel et la transformation de l'état. (Paris: Felix Alcan, 1908. Pp. 156.)

Le marriage en droit international privé, by Alexandre Orescu of the Paris Law Faculty (Paris: Librarie Larose, 1908. Pp. 469), is an elaborate study in the conflict of laws and comparative legislation. The study bears evidence of abundant research and painstaking industry. In arrangement and method of treatment the author follows closely the treatise of M. Weiss, certainly a worthy model for investigators in this field.

Guerre et paix internationale, by Eugène d'Eichthal of the French Institute (Paris: Doin, 1908. Pp. 212), is a somewhat philosophical but sane and moderate discussion of the question of the possibility of a permanent international peace. The author maintains that he is a lover of peace but that it is both useless and dangerous to shut our eyes to the real conditions that exist in the world today and to proceed on the theory that war is a thing of the past. He discusses the influences that make for peace within states and among nations and the causes which promote misunderstanding and conflict. He points out that during the eight years which elapsed between the first and second Hague conferences many of the signatory powers increased their military and naval armaments and concludes that in the matter of permanent peace, notwithstanding the progress made, we are still very far from the promised land.

A French treatise on the police power with special reference to the rights of property is M. Julien Laferrière's *Le droit de propriété et le pouvoir de police* (Paris: Giard et Brière, 1908. Pp. 240). The author discusses at length the nature and scope of the police power, which he conceives to be the exercise of public authority over individuals for the prevention of injuries to other individuals; the object of police; the matters which it properly embraces; the nature of the interests which it is designed to restrain, etc. The object of police he declares to be tranquillity, security, and health of society, and may be exercised only for the general interest. The most important right which it affects is the right of property. In this connection the author examines the French laws of 1850 and 1902 relating to the public health, and the police power which they confer in relation to the use of property.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Diritto costituzionale, Dottrina e storia (Terza edizione riveduta; Naples, 1907. Pp. 604), by Giorgio Arcoleo, is the title of an Italian treatise on constitutional law which has attained great popularity in Italy, as shown by the rapidity with which the successive editions have followed one another. In arrangement it is divided into an introductory part dealing with the history and doctrine of constitutionalism; a general part dealing with the fundamental theories of constitutional law, and analyzing the principal constitutions of Europe and America and especially the Italian "statuto;" and a special part treating of representation, the chief of state, the parliament, the administration and the judiciary in turn.

A new contribution to American Constitutional literature by a German scholar is Ernst Kaufmann's *Auswärtige Gewalt und Kolonialgewalt in den Vereinigten Staaten von Amerika: Eine rechtsvergleichende Studie über die Grundlagen des Amerikanischen und deutschen Verfassungsrechts.* It constitutes part i of volume vii of Jellinek and Ausschütz's well known *Staats-und-Völkerrechtliche Abhandlungen,* (Leipzig, 1908, Pp. xiv, 244).

Prof. Fritz Fleiner of the University of Heidelberg has prepared for the use of students a small volume of cases on administrative law under the title *Verwaltungsrechtsfälle zum akademischen Gebrauch* (Tübingen: J. C. B. Mohr, 1908. Pp. 64). The selection is carefully made from the decisions of the administrative courts in the different states of the German empire.

A new contribution to the rapidly increasing literature dealing with the proposed reform of the criminal law in Germany is Adolf Lenz's *Die Anglo-Amerikanische Reformbewegung im Strafrecht* (Stuttgart: Enke, 1908. Pp. 305), being a study of the influence of the Anglo-American reform movement on the development of the criminal law on the continent.

The second volume of Jellinek, Laband and Piloty's *Jahrbuch des Oeffentlichen Rechts* (Tübingen: J. C. B. Mohr, 1908) departs somewhat from the plan followed in the first volume in placing greater emphasis on summaries of recent legislation. In the present volume the imperial legislation of Germany for the year 1907 is reviewed by Professor Laband, that of Prussia by Dr. Dochow of Heidelberg, and that of the other

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

important German states by well known authorities in each. Professor Van Calker of Giessen contributes an article on The Development of Hessian Administrative Organization During the Nineteenth Century, and Herr Seelig of Hamburg one on the Hamburg Suffrage and Citizenship Law of 1906. Thirteen articles are also contributed by foreign scholars. Thus Saripolis of Athens summarizes the legislation of Greece for the years 1906 and 1907; Ulbrich of Prague discusses the new suffrage in Austria; Fardis of Paris writes about the Separation of Church and State in France; Schlesinger of Breslau reviews the new constitutional reforms in Russia; Steinbach of Vienna writes about constitutional changes in Hungary; Posada of Madrid considers the political reforms of Spain, etc.

Recently a number of contributions have been made to the literature of political parties in Germany and several collections of party programs have been published. Among the former may be mentioned Chr. Grotewald's *Die Parteien des Deutschen Reichstags*, Band I, *Der Politik des Deutschen Reiches in Einzeldarstellungen* (Leipzig: Wigand, 1908. Pp. 337); O. Stillich, *Die politischen Parteien in Deutschland*, Band I, *Die Konservativen* (Leipzig: Klinkhardt, 1908. Pp. 250); Friedrich Wegener, *Die deutschkonservative Partei und ihre Aufgaben für die Gegenwart* (Berlin: Schwetschke, 1908. Pp. 92); Georg Liebster, *Kirche und Sozialdemokratie* (Giessen: Töpelmann, 1908. Pp. 128); Ernst Horneffer, *Die Kirche und die politischen Parteien, mit Anhang: Program der deutschen Kulturpartei* (Leipzig: Klinkhardt, 1908. Pp. 63); and Leopold Goetze, *Das Zentrum, eine Konfessionelle Partie; Beitrag zur siener Geschichte* (Bonn: Cohen, 1906. Pp. 220). Grotewald's work treats in a rather colorless way the programs and tendencies of the several parties in the reichstag, keeping his own judgment in the background. Stillich's study is more scientific and comprehensive in character. His plan calls for an elaborate work in five volumes, the first of which is devoted entirely to the conservative party whose history and principles he describes and criticises where he thinks criticism is due. "Conservative politics," he says "consists of a combination of stagnation, retrogression and progress." Wegener's booklet, like Stillich's work, deals exclusively with the conservative party: The Elements of Conservatism, Conservatism as a Party, Stahl's System, Bismark's Relation to the Party, Conservatism in the Present, etc. Liebster, a Leipzig clergyman, writes from the point of view of the evangelical church and defends the social democratic thesis that religion is a private

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

affair. The hostile attitude of the social democracy toward a state supported church is explained and defended. Horneffer in his essay on the Church and the Political Parties maintains that between the German state and the existing "Kultur" a deep chasm exists and that a new kulturpolitik is necessary to rid the state of its dependence upon mediæval culture ideals. The bearer of this kulturpolitik cannot be one of the reactionary parties and even less the social democratic party, but it must be a new party, the German "Kulturpartei." The volume by Goetze is an admirable study of the centrist party with particular reference to its confessional character and ends. Both internally and externally, says the author, this party stands on a religious basis; in its organization and composition, in its methods of action, and in its purposes it is largely a confessional party—not a pure religious organization, but a religious political party which in the state and through the state strives to attain secular ends.

The second volume of Jellinek, Laband and Piloty's new *Offentliche Recht der Gegenwart* which is to take the place of Marquardsen's well known but now somewhat antiquated *Handbuch* (see POLITICAL SCIENCE REVIEW, February, 1907, p. 323) is devoted to the public law of the kingdom of Württemberg. The original monograph on Württemberg was written for Marquardsen's *Handbuch* in 1884 by Ludwig Gaupp and by him revised in 1895. In 1904 a third edition was prepared by Dr. Karl Göz, Herr Gaupp having died in the meantime. The present work, from which the name of the original author is omitted, is largely a new work by Dr. Göz, the size of the volume having been increased by more than one hundred pages. Since the last edition was prepared important changes in the public law of the kingdom have taken place. In 1906, by a constitutional revision, the organization and administration of the communes and districts were altered in important respects and by a still more recent revision a legislative body constructed on modern principles of representation has been established in the place of the assembly of estates. (Tübingen: J. C. B. Mohr, 1908. Pp. xi, 573.)

Prof. Dr. F. Meili of the University of Zurich whose monograph on *Wireless Telegraphy in Municipal and International Law* (*Die drahtlose Telegraphie im internen Recht und Völkerrecht*) was noted in the May number of the REVIEW (p. 463) has lately published a study dealing with *Airships in Municipal and International Law* (*Das Luftschiff*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

im internen Recht und Völkerrecht; Zurich: Fussli, 1908. Pp. 61). Dr. Meili examines the various legal and international questions likely to be raised by the introduction of the airship as an instrument of aërial navigation and shows how important questions of jurisdiction will be settled. The relationship of the airship to the state and its bearings upon the private law, the criminal law and international law are discussed.

The second volume of Ernst von Meier's *Französiche Einflüsse auf die Staats-und-Rechtsentwickelung Preussens im XIX Jahrhundert* (Leipzig: Duncker und Humblot, 1908. Pp. xi, 509) continues the author's studies on the influence of France upon the political and legal development of Prussia. The present volume deals with the effect of the French Revolution on the reform legislation of Stein and Hardenberg. The theory of Max Lehman in his biography of Stein that the legislation initiated by Stein was largely an imitation of the legislation of the French Revolution, a view which has been generally accepted, Meier rejects. The ideas of the French legislature had little or no influence, he maintains, on the reform legislation of Stein and his collaborators, but it had its origin rather in the "Zeitbedürfnisse entsprechende Fortbildung der älteren Preussischen Institutionem." Likewise the reform of Hardenberg rested not on the legislation of the French Revolution but was influenced by the Napoleonic-Westphalian legislation. The later reception of French law through the influence of Rhenish jurists and statesmen is to be considered in a third volume.

Vereinheitlichung des Arbeiterschutzrechtes durch Staatsverträge, by Franz Dochow (Berlin: Heymann, 1907. Pp. 111) is a study in what may be called administrative law. The author attempts to show what has been accomplished and what may be done to protect labor in the manufacturing industries through international agreement. He reviews the work of the first and second international conferences for the protection of labor held at Berlin in 1890 and at Berne at a later date, the influence which they exerted in securing the abolition of night work by women in the manufacturing industries, the prohibition of the use of white phosphorus in the manufacture of matches, etc.

Ausgleichrecht und Ausgleichspolitik, by Dr. Friedrich Tezner (Vienna: Manz, 1907), is a somewhat polemical discussion by an Austrian publicist of the economic and political relations between Austria and Hungary.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The study was written in 1907 at the time of the threatening crisis over the question of the renewal of the Ausgleich and is in the nature of an appeal to the Parliaments of the two monarchies. Count Stephen Tisza's assertion in the Hungarian parliament on November 23, 1903, that there was no Austro-Hungarian Ausgleich, but two independent statutes of different dates, one Austrian and the other Hungarian, is made the subject of extended comment and criticism. The point of view of the writer is that of Austria, and he is unable to see in the Hungarian attitude well founded cause for complaint.

Another contribution to the literature of Austrian public law is a study entitled *Die rechtliche Stellung der beiden Häuser des Reichsrates zur Geschäftsordnung*, by Max Kulisch (Tübingen, 1908), a professor in the University of Innsbrück. It is in the main a discussion of the rules of procedure in the Austrian reichsrath, which are now some thirty-five years old and, in the opinion of the author, are somewhat antiquated. The reorganization of the reichsrath in 1907 as a result of the new suffrage law will, it is understood, be followed shortly by the adoption of new rules of procedure.

Recht und Staat, by Adolf Grabowsky (Berlin und Leipzig: Rothschild, 1908. Pp. 95) is an essay in legal and political theory written in reply to the view of Krabb in his *Lehre von der Rechtssouveraintetät* (Groningen, 1906), that law stands over the State and that hence there can be no sovereignty of the State. Grabowsky in reply maintains, with obvious truth, we believe, that there is no positive law outside of the state, that the state is the source of every legal principle and that the state embodies the highest legal power in existence.

Three recent monographs dealing with questions of international law and diplomacy are: *Völkerrechtliche Entwiceklung Bulgariens seit dem Berliner Vertrag 1878 bis zur Gegenwart*, by Moustopha Nédjmidin (Bonn: Georgi, 1908. Pp. 152); *Le Blocus maritime*, by Nils Soderquist (Stockholm: Nordiska. 1908. Pp. 307); and *De la jurisdiction consulaire en Turquie*, by J. Hadjilouka, a professor in the University of Athens (Athens: Caussaulino. 1907. Pp. 165). The first is a doctor's thesis presented to the law faculty of the University of Bonn. The author traces the political progress of Bulgaria since the Congress of Berlin and attempts to establish the proposition that Bulgaria at the time he wrote was a sovereign and independent state. Since 1879 he says it has sent diplomatic agents to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

various states, including Turkey itself, who first refused to receive an agent but finally yielded; that Bulgaria has been equally in possession of the right of negotiation and has in fact concluded treaties with various powers including the signatories of the Berlin treaty; that it was represented in the second Hague conference without successful objection on the part of Turkey; that it has exercised the right of making war; and that the obligation to pay a tribute to Turkey has never been fulfilled because the amount was never fixed by the signatory powers. The monograph by Soderquist is likewise a doctors' thesis and was presented to the law faculty of the University of Upsala. It dwells upon the increasing importance of maritime blockade in war, reviews the history of the practice and the changes which it has undergone, distinguishes between hostile and pacific blockade, and expands the law in its present status. An appendix contains a French translation of a number of important Swedish documents illustrating the modern practice. Hadjilouka's study of consular jurisdiction in Turkey is the latest of a number of monographs along this line of which the two most important contributions in recent years have been Dinga's *Étude sur l'extraterritorialité en Turquie* (Athens, 1905) and Hinckley's *Consular Jurisdiction in the Orient* (Washington, 1907). The author traces the historical evolution of the institution in the Orient since the crusades, considers the workings of consular jurisdiction in practice and examines it from the point of view of international law.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BOOK REVIEWS

Colonial Administration in the Far East. The Province of Burmah. By ALLEYNE IRELAND, F.R.G.S. (Boston: Houghton, Mifflin and Company. 1907. 2 vols. Pp. xxi, 1023.)

Principes de Colonisation et de Legislation Coloniale. Troisième edition. Par ARTHUR GIRAULT. (Paris: J. B. Sirey. 1907. 3 vols. Pp. 581, 700, 571.)

We have before us the first two volumes of Mr. Ireland's monumental collection of materials on British colonial government in the Far East. In selecting this field for elucidation Mr. Ireland was undoubtedly moved by the deep inherent interest of the meeting of races and civilizations in this part of the world where the virtue of British colonial methods is to receive its supreme test. He was also impelled by the desire of the scholar to preserve the information about the substructural work in these great undertakings which can be gathered at the present time from personal observation and from more or less ephemeral materials. To collect the latter, to extract their essence, and thus to render them accessible to scholars in a complete record of the bases and methods of British civilization in the Far Eastern dependencies, is indeed an undertaking of the greatest importance. Mr. Ireland prints some of the most important documents *in extenso*, others he summarizes in the text, which is an encyclopedic account of all the branches of colonial administration in Burmah. In dealing with this province the author was forced to include much material that refers to other parts of British India as well. The Burman administration is simply a branch of that of the Indian empire, though it deals with peculiar local conditions and includes many local variations in its institutions.

The chief topics taken up in the first volume are the civil service, judicial administration, police administration, and public instruction. The volume also contains statistical tables on police, justice, and education. The second volume deals with the financial system, the land revenue system, which is simply one of the variations of the Indian land administration, forest administration, public works, municipal and local government, etc. The volume again contains statistics, chiefly on trade

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and shipping and a contribution to a bibliography of Burmah. Each one of these topics is, we might say, exhaustively treated by the author on the basis of laws, ordinances, and official instructions. The historical origins of local institutions and of local variations in the administrative system are referred to in as far as is necessary to an understanding of the present methods. The author has refrained from generalizations and from critical comments, he simply presents a positive, analytical account of institutions, reserving his own commentary and conclusions for the last volumes of his series. In the present work he has laid before the reader the first hand materials upon which a judgment upon the work which England is doing in the East must be based. The materials presented are so complete and typical that while the reader feels that his desire for information has been satisfied, he would not wish to miss any of the documents which have been included. The great subject is dealt with in an adequate manner. The book is a record of methods and achievements which for completeness and painstaking array of detail is without an equal in the literature of colonial science.

The third edition of this most valuable and useful work of Professor Girault has followed the second within the space of four years. With each edition the work has grown by one volume. The edition before us constitutes a most complete, painstaking, and clear presentation of French colonial legislation. The first hundred odd pages the author devotes to a lucid discussion of the theory of colonial legislation, whereupon he gives an historical résumé of French colonization before and since 1815. The body of the work deals with the organization of colonial government and with the functions of a fiscal nature, the administration of justice, land laws, labor supply, public works, the commercial régime and direct colonization. Very especial attention is given to the relations of the government to the natives in the various colonies. While the work constitutes a complete synopsis of legislation upon these matters, it is by no means written in the dry and unprofitable style of a legal summary, but it abounds in deep appreciations of tendencies and significance which make it of value to the student of any colonial system. The problems that confront the colonial legislator and official are set forth with completeness and precision and the solutions attempted by the French are illustrated from every useful point of view. The third part, which deals specifically with Algeria and Tunis, constitutes the most interesting comparison which we have of these two so utterly different methods of colonial administration. A work of this kind makes it apparent that many of the general criticisms which were formerly

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

leveled against French colonial methods have lost much of their justification. The French have ceased to be *a priori* assimilationists; that artificial policy cost them too dearly in Algeria. They are now more carefully adapting their institutions to local needs, and the highest form on intelligence has been employed in solving specific local problems. The vast literature on colonial affairs which the French have developed and which has at times been pointed to as evidence of their inaptitude in practical affairs, is bearing fruit in the intelligence brought to bear on colonial administration. French colonial officials are indeed fortunate to be able to carry with them in their pockets a manual, so illuminating, so careful and safe in detail, as this treatise of Professor Girault; and no one who cares to inform himself about what is actually being done in the great world of colonial enterprise can afford to neglect this book.

P. S. REINSCH.

Japanese Rule in Formosa. By YOSABURO TAKEKOSHI. Translated by George Braithwaite. (New York: Longmans, Green and Company. Pp. xv, 342.)

This is an account of the difficulties encountered by the Japanese in Formosa, the means adopted to overcome them and the practical results. It is profusely illustrated and a large map is appended. The author is a member of the Japanese diet, and the book is the outcome of an extensive tour of observation. The authenticity of his statements is vouched for in a preface contributed by Baron Shimpei Goto, chief of civil administration in Formosa. The book goes into minute detail in regard to the resources of the country, and the measures by which the administration is promoting industrial development and social progress. The author avows a patriotic purpose. He desires to show that the Japanese, quite as well as western nations, are capable of sustaining colonial responsibilities. Baron Goto, in his preface, attributes the success gained to "The Great Guardian Spirit who through unbroken ages has continually guided His Majesty the Emperor and each of His Imperial Ancestors." If so, the Great Guardian Spirit must be quite free of what may be called political denominationalism—that is to say, the notion that in making choice of means it is incumbent to adhere to principles of government in vogue in the home country. Instead of doing as we have done in our colonies—impose our own institutions and then try to make over the character of the people so that they can work such institutions—the Japanese have suited colonial institutions to the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

character of the people. If one may judge institutions of government by their fruits, the showing made in this book presents a strong case to the effect that the Japanese have chosen the better way.

HENRY JONES FORD.

Neutral Rights and Obligations in the Anglo-Boer War. By ROBERT GRANVILLE CAMPBELL. (Baltimore: The Johns Hopkins Press. 1908. Pp. 149).

As stated in the preface, this monograph is "the outgrowth of work done in the Political Science Seminary of the Johns Hopkins University and is a portion of a larger study dealing with the causes of the Anglo-Boer war and the questions of international law arising during that conflict."

Mr. Campbell has had several predecessors in this field. The best known of these is Frantz Despagnet whose *La guerre sud-africaine au point de vue du droit international* was published in the *Revue générale de droit international public for 1900* and republished in 1902. This monograph of 400 pages was based largely on reports in pro-Boer French newspapers and dealt mainly with the relations between the belligerents. The same may in general be said of an interesting essay by A. Desjardins which appeared in the *Revue des Deux Mondes* for March, 1900.

Of quite a different character was the small volume of 127 pages entitled *International Law in South Africa*, by T. Baty, which appeared in 1900. Although very limited in its choice of topics and (as the reviewer thinks) mistaken in some of its premises and conclusions, Mr. Baty's work contains some very incisive reasoning and is a real contribution to our science.

Of these three publicists, Mr. Baty is the only one whose views are cited and discussed by our author, although hardly to the extent that the importance of the work seems to deserve. The first two chapters of Mr. Campbell's monograph deal with the neutrality of the United States and European powers. Attention is called to the fact that the United States was the only power which acted on the recommendation of the Hague conference of 1899 and tendered its good offices during the war to secure, if possible, the cessation of hostilities; but the author fails to note that this appears to be the first example in our history of such an offer under similar circumstances, i. e., in a case in which American interests were not directly involved.

The only serious charge against the United States for violation of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

neutrality was that of permitting the port of New Orleans to be used as a steady and continuous base for the wholesale supply of horses and mules for the British authorities in the Transvaal. While we are unable to agree with some of the inferences which he seems to have drawn from the neutrality proclamations of Brazil, Japan, Denmark and the Netherlands, Mr. Campbell undoubtedly makes out his case as to the main facts and is wholly warranted in his conclusion (see p. 22) that "warlike supplies were actually transported from at least one of the ports of the United States under such a systematic scheme as to constitute a base of hostile supplies for the British forces of South Africa." For this gross violation of international law and the spirit, if not the letter, of our neutrality laws, President McKinley or Secretary Hay must undoubtedly be held responsible at the bar of history.

The main charges of violation of neutrality against any European state were made against Portugal. Great Britain accused Portugal of permitting, especially during the earlier stages of the war, the port of Lorenzo Marques in Delagoa Bay to be used as a base of supplies and recruits for the Boer armies. In estimating the degree of the guilt of the Portuguese government in this matter, account should be taken of the difficulties of her position; the partiality or "benevolent neutrality" displayed by the Dutch consul at Lorenzo Marques (who had charge of the interests of the Orange Free State as well as those of the Transvaal); the greed or sympathy of Portuguese officials and even of British subjects located in Portuguese South Africa; and finally, the correct attitude assumed by Portugal during the later period of the struggle.

But Portugal stands convicted of even a more serious violation of neutral duties during the war. Under color of treaty obligations, she permitted the passage of British troops through Portuguese territory for the invasion of the Transvaal. Even Mr. Baty (see chapter three of his *International Law in South Africa*), who argues in favor of the right of passage in case of a real servitude or right *in rem*, admitted (p. 77) that the British government had placed "a somewhat strained interpretation on a treaty which, even then did not give them, in anything like clear terms, an absolute servitude of the kind contended for." Mr. Campbell (p. 75) shows that "the conclusion reached by Mr. Baty is far more favorable to England than the circumstances of the case warrant."

Chapter three contains a full and clear statement of the famous controversy growing out of the British detention of German mail steamers bound for Delagoa Bay and the facts relating thereto. The discussion

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the legal points involved must, however, be pronounced somewhat unsatisfactory. The author seems to have ignored or overlooked two of the most valuable recent contributions to the much controverted doctrine of continuous voyage, viz: Mr. Baty's incisive criticism of the doctrine and the exhaustive and (to the reviewer) convincing argument in its favor by Judge Elliott which appeared in the *American Journal of International Law* for January, 1907.

The last chapter of the volume before us (chapter four on Trading with the Enemy) contains the facts and gist of the controversy between Great Britain and the United States relating to the detention and seizure of foodstuffs found on board British vessels plying between New York and Delagoa Bay. Such goods, consigned by American citizens to reputable merchants in South Africa, were in a number of cases, seized and detained on mere suspicion of trading with the enemy. The diplomacy of Secretary Hay was successful in inducing the British government to settle with our claimants without the hardships and inconveniences involved in proceedings before a prize court. The English government, however, did not admit that it was in any way liable to the owners of the flour and other goods, since their detention was due entirely to the circumstance that the ships were not able to complete their voyages, and the fact that they were not able to complete their voyages was due to the circumstance that such voyages were illegal by the law of the flag under which they were sailing" (p. 143).

Chapter four may be regarded as a real contribution to our knowledge of international law. Of especial interest is the attempt made by Lord Salisbury to extend the doctrine of continuous voyage to trading with the enemy. He said: "An ultimate destination to citizens of the Transvaal even of goods consigned to British ports on the way thither, might, if viewed as one continuous voyage, be held to constitute in a British vessel such a trading with the enemy as to bring the vessel within the provisions of the municipal law" (pp. 132 and 148).

The work as a whole is executed carefully and conscientiously, and is based upon the best sources and authorities. On p. 98 the word *define* should evidently be read *denied.* Both Mr. Campbell and the Department of Political Science at Johns Hopkins are to be congratulated upon the production of such a meritorious work. If international law is to be based upon our knowledge of actual international practice, it is obvious that such monographs have great value.

A. S. HERSHEY.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

International Law and Diplomacy of the Spanish-American War. By ELBERT J. BENTON. Albert Shaw Lectures on Diplomatic History. 1907. (Baltimore: Johns Hopkins Press, 1908. Pp. 300.)

This volume, treating Spanish-American relations during the Cuban insurrection and the Spanish-American war, in its general plan is similar to several other recent monographs over various recent wars. In treating the controverted points of international law which arose during this period, it exhibits the foreign policy and practice of the United States both as a neutral and as a belligerent. Especially in the discussion of neutrality the author has made large use of La Fur's *Étude sur la guerre hispano-americaine de 1898, envisagée au point de vue du droit international public* (Paris, 1899). Though he has not had access to Spanish materials, he has evidently made a careful examination of the American materials and has presented the results dispassionately—possible erring sometimes in favor of Spain. In large part his study is a criticism of American usages in warfare. Though the book contains no bibliography or discussion of authorities, it is supplied with many footnote references. It also has a good index.

In Chapter I, on Cuba and National Policy, the author illustrates the domination of national interests over national policy by the seventy-five years of Spanish-American diplomacy in regard to Cuba. In Chapter II he treats the difficulties of maintaining neutrality in face of increasing troubles in Cuba (1895–1897), which were largely due to filibustering expeditions conceived by exiled or naturalized Cubans in the United States, and which through the justifiable but ill-advised Spanish expedient of concentration of the population as a military measure (and through exaggerated American press reports) increased American sympathy for the Cuban insurgents—who were more ferocious in their warfare than the Spaniards and from whom the United States still wisely withheld recognition of belligerency. Though the American judiciary "showed a laudable purpose to interpret the obligations of neutrality as rigorously as could be desired," the efforts of the American national government to enforce the laws were often rendered ineffective by the "laxness of local government," which Benton says "is the scandal of the American system of government and a constant international humiliation." Though the treaty rights of American citizens whom Spain arrested on the charge of aiding the insurgents were the occasion of constant friction between Spain and the United States, and though inflammatory reports of Spanish procedure in such cases kept American popular opin-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ion at high tension, the author concludes that "the testimony of American official sources exonerates Spain from injustice."

In Chapter III the author traces the series of events, from October, 1897, to March, 1898, which led to American abandonment of the non-intervention policy. In regard to the concessions which Spain offered Cuba as a preliminary to fuller liberty which was to follow successful autonomy—concessions of reform which were opposed by both constitutional unionists and insurgents—he says recent events have tended to justify the view of Spain that Cubans were not yet ready for a fuller degree of self-government. He says official Spain in promptly recalling De Lome made the fullest reparation for whatever real offense she had committed; and that on any real basis in reason or fact she could not be held guilty of any deliberate criminal act in the case of the Maine disaster, which she properly proposed should be settled by joint investigation or by arbitration. He thinks the American refusal of arbitration in the Maine case was a mistake. In Chapter IV, on Intervention, he refers to the significance of the several concessions of March 30, 31, and April 9 (revoking the concentration orders, leaving matters of peace to a proposed Cuban parliament, and agreeing to suspend hostilities) by which Spain adequately responded to the expressed wishes of the United States, and states that McKinley was premature in submitting to Congress his message of April 11 which resulted in the resolution of April 19 committing the United States to forcible intervention in Cuba. "Of the grounds set forth by the United States in intervention in Cuba, taken separately and isolated from a century's history," says Benton, "not one could have warranted intervention. . . . . In the opinion of nearly all writers on international law the particular form of intervention in 1898 was unfortunate, irregular, precipitate and unjust to Spain." He concludes that McKinley did not exhaust the resources of diplomacy, and that intervention on humanitarian grounds without concert or coöperation with other nations was not good practice in international law.

Chapters V, VI and VII treat various interesting questions of international law connected with the transition from neutrality to belligerency, the relations of the belligerents, and relations between the belligerents and neutrals. The decisions of the courts in the prize cases and in allied subjects are reviewed in detail. Chapter VIII relates the history of the negotiations for peace.

In the final chapter, on the interpretation and fulfillment of the treaty of peace and the status of the islands annexed, the author intimates that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the United States was not justified in exacting such a large territorial indemnity and that she should have submitted the question of change of sovereignty in the islands to a popular ratification of their inhabitants. Concerning the question of status, in face of decisions of the Supreme Court he says: "The conduct of the United States with reference to the new territories seems to be a dangerous stretch of the true intent of the uniformity clause of the constitution. There was no valid reason for denying the rule of the Constitution in the Philippines or Porto Rico, though it is well known that there have been precedents for such practice." Referring to the recent American intervention under the wise conditions for preventing internal disorder in the young republic of Cuba, the author says it seems to illustrate the truth of the contention set forth by Spain in defense of the form of autonomous government offered to Cuba in 1897—that the Cubans were unprepared for more.

J M. CALLAHAN.

The United States as a World Power. By ARCHIBALD COOLIDGE. (New York: The Macmillan Company. 1908. Pp.vi, 385.)

That the Spanish war, the acquisition of insular possessions, the vigorous prosecution of the Panama Canal, participation in the march on Pekin, active efforts on the part of our secretary of state in behalf of the principle of the open door in China and the promotion of closer relations between ourselves and Latin America, intervention in Santo Domingo and Cuba, the determination of the people of the United States to have a powerful navy and to bring to greater efficiency the army and organized militia—that these and numerous other events of the past decade point in the plainest way that the United States has, since the beginning of this period, entered upon a new and momentous phase in its national existence is a fact so evident as to be of universal acceptance. Taken together, these occurrences may be said to signal the definite entrance of the United States into the great arena of world politics. It is one thing to know of the existence of certain phenomena, but quite another to appreciate the underlying causes that have brought such phenomena into being and to determine their significance for the future. Professor Coolidge has attempted the latter task in a book which does not have a single dull line in it from cover to cover. He has more than attempted. He has given us a work that is at once exceedingly interesting, well-written and sane Though necessarily it treats, in great part, of matters

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

well known to all persons who follow current events and tendencies, the fundamental problems now confronting the United States, both as a people and as a nation, are discussed with such keen insight and discriminating judgment as between the essential and unessential that the reader when he lays down the book cannot but feel that he has a much larger grasp of the current of events and the direction in which it is moving than he previously had.

In successive chapters the relations of the United States with each of the important nations of Europe, with China, Japan, Latin America and Canada are passed in review, in each case pains being taken to give an historical sketch of such relations in the past and the conditions now existing which tend to make such relations cordial or strained. Other chapters treat of the Monroe Doctrine, the Spanish War, the Organization of Colonies, the Philippine Question, the Isthmian Canal and the United States in the Pacific—matters which because of their present importance require special treatment. In all of these chapters the most significant feature of the method of treatment is the care that has been taken to discover and analyze the attitude of mind of the American people towards those of the other country and of such other country towards the American people. The author sees very clearly, what is not always realized, that this is the most important of all phases of international relations. This may be in many respects a materialistic age, but it is safe to say that never were nations more ready to fight for a mere idea or principle than now, and that, whatever may be foreign opinion on the subject, the United States in this respect is one of the most idealistic of nations. Professor Coolidge has placed all students of diplomatic history under an indebtedness for the skillful manner in which he has handled this part of his subject. His work is really a study in the psychology of nations. In making this study he has not hesitated to point out those national traits which are disliked as well as those which are admired by others, but he has done so with such felicity of expression and tact that no one can take offense. The book will undoubtedly be widely read abroad, and it is fortunate therefore that its influence will be to cement rather than estrange international friendships.

The result of the care with which the author has treated this phase of his subject is that his work is a good deal more than an account of the international relations or of the position as a world power of the United States. It is an unusually acute study of the American people and of their methods of thought as bearing upon the problems discussed. What the author has sought to do is to make clear what the people of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the United States think regarding these problems rather than to attempt a critical study of such problems. Particularly is this evident in the chapter relating to the problem of nationality as affected by the factors of immigration and the existence of the large number of negroes and smaller but important contingents of Chinese and Japanese in our midst, and in the chapters treating of the Monroe Doctrine, Pan-Americanism and Ideals of Shibboleths. The book thus should not only find a place among works relating to international affairs but should figure prominently among those which have as their purpose the making known of one people to others.

In a work so well balanced it is not easy to signal out particular features for special comment. If the attempt were made, however, choice should probably be made by the author's discussion of the problem of the relations of the United States with Latin-American countries. The leading features of such relations are the Monroe Doctrine, Pan-Americanism (by which term the author designates the efforts inaugurated by Secretary Blaine and so promisingly furthered by Secretary Root through his South American trip to identify more closely the relations of American republics, and which is typified in Bureau of American Republics with its handsome home now going up in Washington), and the direct relations which the United States now has with people of the Latin race through its ownership of Porto Rico and the Panama Canal strip and intervention in Cuba and Santo Domingo. The significant feature of the latter is that not only have such direct relations brought with them problems of their own, but they have profoundly affected the whole aspect of the relations of the United States with Latin American countries. Although it is difficult to criticise the good faith of the American people in the action taken by it in respect to such intervention, there can be no doubt that it has been viewed with distrust by the inhabitants of Central and South America and to no little extent has tended to offset the good impression engendered by Secretary Root's visit and our championship of the Monroe Doctrine. This phase of the problem, as well as the strength of Pan-Iberianism as a competitor of the principle of Pan-Americanism, receives especially careful treatment. The matter of the relations of the United States with Japan and the whole subject of our interests in the Pacific and the Far East likewise naturally is one to which especial attention is directed.

W. F. WILLOUGHBY.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Science of Jurisprudence. By HANNIS TAYLOR, LL.D. (New York: The Macmillan Company. 1908. Pp. lxv, 676.)

This work is divided into two parts, one historical and the other analytical. The historical portion is presumably intended to sustain the thesis that "there is rapidly arising a typical state-law system whose outer shell is English public law, including jury trials in criminal cases, and whose interior code is Roman private law. This far-reaching generalization, now submitted to the consideration of students of the science of jurisprudence for the first time, so far as the author knows, has been subjected in advance to the searching and approving criticism of a few of the most eminent jurists of the English-speaking world." (Preface, p. xv.) But is there anything really new in this broad generalization? Dr. Taylor's thesis involves two points: (1) That Roman private law has exercised a great influence upon modern legal systems. (2) That the English constitutional system has been to a very large extent copied by other nations. These statements are commonplaces to students of jurisprudence, but Dr. Taylor may well merit whatever credit is due for mechanically placing them in juxtaposition.

In order to establish his thesis it would seem that the author must discuss: (1) The expanding movement of Roman private law. (2) The expansion of English private law. (3) How far the two systems have influenced each other, and to what extent, if any, Roman law has displaced English law. (4) The development of English constitutional law, and its expansion to other countries; and the influence of the English constitutional system, if any, upon the private law of countries by which is has been adopted. Had the author given a clear and satisfactory account of the expansion of the English and Roman legal systems he would have done an important service, even though his thesis should be proven incorrect.

What we have, however, is a brief history of Roman law; a more extensive account of English constitutional history; an unsatisfactory discussion of the expansion of Roman private law; and a very fragmentary account of the extension of the English constitutional system. The author devotes practically no attention to the questions which seem essential for the maintenance of his thesis, namely, to what extent has English private law been adopted outside of England, and to what extent has Roman law influenced or displaced English law? A discussion of these questions the author probably intends to avoid by general statements in which he intimates that English private law has

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

been to such a large extent derived from Roman sources that it cannot be called a separate legal system (pp. 436–437). He makes no effort to show the actual influence of Roman law upon the English legal system, and seemingly has little knowledge of the literature upon this subject.

It seems also that the facts hardly support Dr. Taylor's contention with reference to the increasing influence of Roman private law. Mr. Bryce's statement regarding the relative positions of the English and Roman legal systems appears to be much more accurate. (*Studies in History and Jurisprudence*, 121–123.) Certainly within recent years there has not been any great movement toward the adoption of the Roman legal system. The author himself admits that in the nineteenth century English private law has to a large extent displaced Roman law in Scotland. In connection with the author's views it is of interest to quote a statement made by Sir Henry Maine in 1856 that "the Roman law is . . . . fast becoming the *lingua franca* of universal jurisprudence." Since 1856 Roman law has made little perceptible advance toward universal dominion. Dr. Taylor's work cannot be ranked as an important or original contribution to the subject of which it treats. It is an unsatisfactory type of legal history, based upon insufficient investigation, and displaying in many respects an ignorance of important legal literature.

It may be well, however, to inquire to what extent the several parts of Dr. Taylor's work are of value. His chapter on the External History of Roman law gives a fairly satisfactory account of Roman legal development, though it can hardly be said to be an improvement upon other similar accounts available in English. In fact, much of this chapter can hardly be called more than a compilation made up from other books in English. A careful reading of Taylor, pp. 102–112, together with Muirhead's *Roman Law*, 2d ed. pp. 297–307, and Sohm's *Institutes*, 2d English ed., pp. 98–105, will indicate something of Dr. Taylor's indebtedness to these authors. The notes and references to Roman legal literature not in English lend a counterfeit appearance of erudition to this portion of the work, but it may be of interest to call attention to the fact that many of Dr. Taylor's notes of this character are identical with notes in Sohm, Muirhead, and in Greenidge's *Roman Public Life*. The author shows little first-hand familiarity with the literature other than that in English. Note 3 on p. 108 and note 5 on p. 138, copied from Muirhead's note 2 on p. 308 and note 2 on p. 372, should, had the author been familiar with the sources, have been supple-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

mented by a reference to the *Legis Romanae Wisigothorum fragmenta ex codice palimpsesto sanctae Legionensis ecclessiae*, published by the Spanish Royal Academy of History in 1896.

Pages 193–427 form a chapter entitled the External History of English Law, and are devoted to a history of British constitutional development, summarized from the author's larger work on *The Origin and Growth of the English Constitution*. This chapter is fairly well done, but much the greater part of it bears no relation to the subject of jurisprudence.

Chapter V on English Law in the United States is devoted to English constitutional institutions as developed in the United States, and is practically worthless. The chapter was evidently written for the purpose of exploiting the author's novel views with reference to Pelatiah Webster, whose pamphlet is reprinted in an appendix to the book here under review. A fuller knowledge of the literature of American constitutional history and a closer study of governmental conditions from 1776 to 1787 would probably have caused a revision of the somewhat absurd claims which Dr. Taylor has presented with reference to Pelatiah Webster. It would also seem that much of this chapter is out of place in a treatise on jurisprudence.

The historical portion of Dr. Taylor's book is completed with a chapter on Roman and English Law Combined. This chapter is devoted to the constitutional development in Latin-America, and to the development of private law in South America, British Guiana, Ceylon, South Africa, and Scotland. The discussion of Brazilian law is of value as containing information not otherwise available. In the account of Latin-American constitutional development, pp. 479–481 and parts of pp. 474–476 are copied from Rodriguez' *American Constitutions*, although this fact is not indicated. The account of Roman-Dutch law is borrowed, without the use of quotation marks, from Nathan's *Common Law of South Africa*, I, 1–24.

The portion of Dr. Taylor's book devoted to analytical jurisprudence covers only 128 pages. Within such a brief space it is impossible to treat this subject in a manner comparable with the excellent works of Holland, Salmond, Pollock, and Markby. The author does not know Salmond's *Jurisprudence*. Dr. Taylor follows in large part the plan of Holland's work, and his indebtedness to Holland is certainly in places great enough to be acknowledged by the use of quotation marks. See, for example, Taylor, pp. 543–547, and Holland, 10th ed., pp. 186–193; compare also Taylor, pp. 619–622, with Holland, pp. 405–408, and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

with Bar's *International Law; Private and Criminal*, p. 36, et seq. On the whole Dr. Taylor cannot be said to have made any important contribution either to historical or to analytical jurisprudence.

W. F. DODD.

Das Problem der juristischen Persönlichkeit. By JULIUS BINDER. (Leipzig: 1907. Pp. 146.)

The problem of the juristic person will never cease to be agitated in Germany; it appeals too strongly to the metaphysical tendency of German jurisprudence. Professor Binder insists that the earlier inquiries have been metaphysical instead of legal, and have therefore stated the problem in an insoluble manner. This same conviction must have forced itself upon many minds. Can Gierke's fascinating theory of the organic reality of the collective entity be either proved or disproved? Has the enormous mass of material which he has brought together with an industry unexcelled even in his own country amounted to a demonstration of the existence of the corporate will?

Professor Binder sums up his own theory as follows: "As a 'person' is not a thing in the world of phenomena but a concept, so also the juristic person. We have to deal with a figure in which we comprehend the sum total of the most diverse relations, and the essential content of which we can ascertain only by analyzing his concentrated concept into its constituent relations."

If we understand him right, he sees in the juristic person a technical contrivance for conveniently dealing with complex combinations of right. By implication this seems to negative any legal effect of the psychological nexus resulting from the combination of persons. And however valuable this element may seem in dealing with certain phases of corporate capacity and responsibility, it must perhaps be admitted that it is unnecessary for the explanation of most corporate relations, and therefore not an essential element in the definition of a juristic person. This, however, does not mean that it can be safely ignored in a comprehensive view of the law of corporations.

It does not appear that Dr. Binder draws any novel practical conclusions from his theory.

The essay is by no means easy reading, but it is well and carefully written.

E. F.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Select Essays in Anglo-American Legal History. Volume II. (Boston: Little, Brown and Company. 1898. Pp. 823.)

The first volume of these essays was noticed in the May, 1908, issue of this REVIEW. Occasion was then taken to point out the general aim of the committee of the Association of American Law Schools in compiling and editing these volumes, and to predict that the undertaking would be received with gratitude by teachers and students of Anglo-American law. The essays in the first volume were of the nature of general surveys In the present volume the history of particular topics is begun. Five essays beginning with an English translation by Prof. Ernst Freund Brunner's well known "Ueberblick über die Geschichte der franzöischen, normannischen, und englischen Rechtsquellen," are devoted to the sources. Four essays deal with organization and jurisdiction of the courts; ten with procedure, and six with equity. The discriminating care with which these studies have been selected for collective republication is as evident in this as in the earlier volume.

Historical and Political Essays. By WILLIAM EDWARD HARTPOLE LECKY. (New York: Longmans, Green and Company. 1908. Pp. 324.)

The collection of publications in book form of the historical and political essays of W. E. H. Lecky will be welcomed by all lovers of serious literature. Mr. Lecky was at once an historian, a moralist and a thoughtful student of politics, and in each of his essays, whatever their subjects, these characteristics are manifested. Sincerity, moral earnestness, impartiality—except, possibly, with reference to the Irish Home Rule question—and keenness of political insight are displayed. The two opening essays, Thoughts on History and the Political Value of History, are of especial interest to the historian. From the latter of these the reviewer, despite his limitations of space, cannot forbear quoting a considerable passage, so characteristic is it of Mr. Lecky's quality of mind. Speaking of the great permanent forces that are steadily bearing nations onwards to improvement or decay, he says: "The strongest of these forces are the moral ones. Mistakes in statesmanship, military triumphs or disaster, no doubt offset materially the prosperity of nations, but their permanent political well-being is essentially the outcome of their moral state. Its foundation is laid in pure domestic life, in commercial integrity, in a high standard of moral worth

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and of public spirit; in simple habits, in sacrifice, uprightness and self-sacrifice, in a certain soundness and moderation of judgment, which springs as much from character as from intellect. If you would form a wise judgment of the future of a nation, observe carefully whether these qualities are increasing or decaying. Observe especially what count for most in public life. Is character becoming of greater or less importance? Are the men who obtain the highest posts in the nation men of whom in private life and irrespective of party competent judges speak with genuine respect? Are they men of sincere convictions, sound judgment, consistent lives, indisputable integrity, or are they men who have won their positions by the arts of a demagogue or an intriguer; men of nimble tongues and not earnest beliefs—skillful above all things, in spreading their sails to each passing breeze of popularity? Such considerations as these are apt to be forgotten in the fierce excitement of a party contest; but if history has any meaning, it is such considerations that affect most vitally the permanent well-being of communities, and it is by observing this moral current that you can best cast the horoscope of a nation."

Several of the essays are biographical, dealing with Carlyle, Madame de Stael, Peel, Lord Derby, and Henry Reeve; and one entitled Formative Influences is, in a way, autobiographical. The other essays deal with the Empire: its Value and Growth, Ireland in the Light of History, Old-Age Pensions, Israel Among the Nations, and Queen Victoria as a Moral Force. In this last not only the moral but the important political influence exerted by the Queen as a constitutional monarch is dwelt upon.

The Government of England. By A. Lawrence Lowell. (New York: The Macmillan Company. 1908. Two volumes. Pp. xv, 570; viii, 563.)

There was an obvious need for Mr. Lowell's *The Government of England:* and if inclusiveness, accuracy of statement, clear and sympathetic understanding of English political traditions, ideas and conditions, and also readableness in an eminent degree, make for a successful book, Mr. Lowell's two volumes must fill this obvious need for some years to come. There are internal evidences (as for instance, vol. ii, p. 363) that Mr. Lowell intended his work to serve for the Anglo-Saxon peoples on both sides of the Atlantic; and in this aim he has also been singularly success-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ful. There was no work on English governmental and ecclesiastical institutions and on the history, organization, and sphere of political parties in England on which Mr. Lowell could model his work. For England at no period in her modern history was there a book which aimed at being for its time as comprehensive and complete as that which Mr. Lowell has given us. In the last ten or fifteen years there has been no lack of treatises on political science as it is being developed in England. English, American, German, French and Austrian scholars have all contributed to this literature of English political science. American students have contributed to a remarkable extent and with admitted success. But all these recent contributions, from whatever source they have come, have been concerned with particular governmental or political institutions—the house of commons, the house of lords, the privy council or the machinery of local government—and until Mr. Lowell's work was published it was only in popular handbooks that any attempt had been made to survey the whole of the governmental and party activities of England. These books of lesser importance have had their usefulness for the constituencies of readers for which they were intended, and their usefulness will not come to an end with the publication of Mr. Lowell's great work. But for students of the working of the English system of government—central and municipal—Mr. Lowell's book must hereafter be the one to which they must turn first.

As has been remarked its inclusiveness is one of its outstanding characteristics. It is not risking much to say that this is its most outstanding characteristic; for if there had been chapters on the press and the land system—both necessary to an understanding of present day politics and political tendencies in England—it would have been impossible to name any English political institution or any phase of twentieth century political movement in England that is not adequately treated in Mr. Lowell's sixty-seven chapters and 1110 pages. London is the standpoint he has taken for nearly four-sevenths of the work. The crown, parliament and the cabinet, the various state departments, the civil service, the party system and its organization, the administration of justice, the colonies and their relations with the mother country, and the churches, established and free, have necessarily occupied most of Mr. Lowell's care and attention. But the book is remarkably well-balanced; as well as admirably planned and among the chapters which show Mr. Lowell at his best are those devoted to local government in the city of London, in the administrative county of London over which the county council, with headquarters in Spring Gardens exercises control, and in the larger

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

provincial cities. These chapters are typical of the scholarly care which Mr. Lowell has bestowed on his task; and in them also are evidences that Mr. Lowell has come into close and personal touch with the men whose work in municipal government he is describing. Moreover he has caught the spirit which actuates most of these men—the spirit of pride and conscientiousness in this sphere of political activity—which perhaps more than anything else explains the almost uniform success that attends the working of English municipal institutions.

EDWARD PORRITT.

The Housing Problem in England. Its Statistics, Legislation and Policy. By ERNEST RITSON DEWSNUP, M.A. (Manchester: The University Press. 1907. Pp. vii, 321.)

Professor Dewsnup's book on the housing problem consists of three distinct parts, each of which is a valuable contribution to economic science. In Part i, Professor Dewsnup tries to give a clear and definite account of the evil with which authorities in England are called upon to cope. Avoiding all special pleading and all evidence of the sensational kind which is apt to give a false idea of the extent and intensity of the evil of overcrowding, he does not on the other hand fall into the error of minimizing the evil. By statistical tables, compiled chiefly from the census returns, he establishes the fact that overcrowding is not so stupendous a problem as has been imagined, and that of recent years the evil has been growing less. The proportion of population affected varies in different boroughs from little more than half of 1 per cent in Bournemouth, to 34.8 per cent in Gateshead; but out of the 84 largest boroughs in England 42 had less than 5 per cent of the population living under conditions of overcrowding, *i. e.*, more than two to a room. Of the remaining 42, 20 had between 5 and 10 per cent; 14 between 10 and 15 per cent; two between 15 and 20 per cent; one between 20 and 25 per cent, and 5 between 30 and 35 per cent. The variation in overcrowding in towns of a similar character is very remarkable. Plymouth, for example, has 20.19 per cent of its population overcrowded; while Portsmouth has 1.19, and to take an example from industrial England, of the two Lancashire towns of Warrington and Wigan, Wigan has 13.38 Warrington only 3.8 per cent. Professor Dewsnup has not undertaken to explain the causes of these divergences. It would be an interesting study, and would do much to enable the public to judge of the efficacy of the remedies which Professor Dewsnup advocates, to inquire into

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the reason why one borough should make so much better a showing than a neighboring borough apparently so similar in its nature and conditions, its industry and its population; and to discover whether more vigilant and efficient local government, or varying conditions of land tenure have had most to do with the better housing of the poorer inhabitants.

In Part ii, Professor Dewsnup gives a most excellent and well digested summary of the legislation which has been passed by parliament since 1851 to cope with the evils of overcrowded houses, and of overcrowded areas, or "overhousing" as the author terms it. These laws include sanitary acts, and acts facilitating the clearing of insanitary areas, and the erection of new dwellings, either by private enterprise or by the local authorities. Many of these acts, which were passed under pressure of public opinion after a scourge of smallpox or cholera, remained a dead letter; and Professor Dewsnup is careful to inform his readers as to just how far the legislation has been put into operation. In Part iii, the strictly informational and statistical work of the previous parts is utilized by the author to support his own conclusions as to the best methods of dealing with the problems of overcrowding. Professor Dewsnup deprecates strongly any tendency of local authorities to substitute municipal building and house owning for private enterprise. He is not opposed to municipal ownership of public utilities, when these are of the nature of a monopoly. But in a house monopoly by the municipalities, he sees both financial risk and moral danger, and his conclusion is that the duty of governments in regard to overcrowding is limited to a strict performance of police duty—an insistence on the laws concerning overcrowding being strictly observed by landlords and tenants; to a possible object lesson in the form of model dwellings that may serve as a standard both for builders and tenants; and perhaps also to the provision of barrack dwellings under strict surveillance for that undesirable residuum which must be housed, but for which the provision of decent and comfortable homes seems an impossibility.

The point on which modern reformers would be most likely to take issue with Professor Dewsnup is the question of taxation of ground values. Apparently, Professor Dewsnup is too easily discouraged by the difficulties in the way of laying a tax on the owners of urban land. The idea of confiscation of any property now in existence may at once be put aside as out of the question. The whole course of British legislation is wholly opposed to such a disregard of private rights. In no country are vested interests considered more sacred, and even if, by

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

some revolution, the house of commons should in a momentary fit of enthusiasm pass some radical or socialistic legislation which might threaten the rights of the land owners, the house of lords stands firmly and securely in place to prevent any such injustice or spoliation. But that some effort should be made to secure for the community the future increment of value in urban lands is being more and more keenly felt in England, not only by labor men and socialists, but by many of the staid and respectable tradesmen, merchants, manufacturers and professional men who make up the English borough councils; and it may well seem that Professor Dewsnup brushes aside too hastily and cavalierly the strong movement that took bodily shape in parliament during the session of 1907 in the land values bill.

Whether or not the reader agrees with Professor Dewsnup in the conclusions he draws from his data, every student of economics must be grateful to him for the accuracy and care which have gone into the collection and arrangement of his material. Overcrowding is not yet the problem in American cities that it is in Great Britain; but in New York and in the cities that are following its example in the erection of great blocks of tenements the question of overhousing, as distinct from overcrowding, bids fair to become a much greater problem than it has ever been in the worst London or Glasgow slums, and a study of the question in England might suggest many considerations to those who have at heart the welfare and the future of our great cities.

A. G. P.

The Sanitary Evolution of London. By HENRY JEPHSON, L.C.C. (Brooklyn: A. Wessels Company. 1907. Pp. 440.)

Fifteen years ago Mr. Henry Jephson wrote *the Platform: Its Rise and Progress in England.* It carried him into a new and untrodden field, and he produced a book which at once took rank among the standard monographs on English constitutional development. Its usefulness and its immediate acceptance as a standard work warranted the expectation of other monographs on constitutional history from Mr. Jephson's pen. But within a few years after his *History of the Platform* appeared, Mr. Jephson became immersed in London municipal politics, and until his monograph on the *Sanitary Evolution of London* was published at the end of 1907, his public activities were confined to his membership of the London county council. Obviously it is his close and practical interest in the municipal problems of London that suggested his second

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

monograph; and it is exceedingly fortunate for the permanent literature of municipal government and of sanitary science the world over that when Mr. Jephson realized that there was a need for a book on the sanitary evolution of the British metropolis, he set himself the task of meeting this need.

It goes without saying that Mr. Jephson's new work is at once scholarly and authoritative. Most of it is based on first-hand authorities—chiefly on the reports of the medical officers of health of the city of London and of the forty-odd vestries or local boards of works by which the metropolitan area outside the boundaries of the ancient city were governed until 1899, when London government was at last placed upon the same democratic basis as municipal government in provincial England. It is scarcely possible, however, to congratulate Mr. Jephson on having marshaled the material that resulted from his careful research as well or as successfully as he marshaled his data when he wrote the *History of the Platform*. His plan of tracing the sanitary evolution of London decade by decade has apparently hampered his freedom; and to some careful and appreciative students of his work it would seem that better results from the point of view of the readableness of the book might have been secured by arranging the material according to subject as, for instance, drainage, overcrowding, the growth and organization of London's corps of sanitary inspectors, the purification of the Thames water supply, the provision of hospitals for infectious diseases, and the enactment and administration of laws for the prevention of adulteration of food. All these subjects, and many more of equal interest appertaining to the housekeeping of London, are exhaustively and illuminatingly dealt with by Mr. Jephson on the decennial plan. The plan admits perhaps of measurement of progress by decades; but even if it be accepted as the best method of presenting the data, it may be suggested that the introduction of a few headlines to the sections of the chapters would have made easier reading, and added to the strength of the appeal that the book must undoubtedly make to all who are interested in the development of local government and in municipal and sanitary science.

To Mr. Jephson—to any Englishman in fact—the task of tracing out the sanitary evolution of London cannot have been pleasant. The history of this evolution, as now written, forms the most tremendous indictment that was ever laid against the British parliament of the period when only sections of the people were directly represented in the house of commons. Parliament in those days only bestirred itself for the gov-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ernment of London and for the care of the health and physical well-being of its teeming population after an epidemic of cholera or smallpox had swept away thousands of people. Then some legislation was enacted with a view to improving the sanitary condition of London and safeguarding to some degree the health of its inhabitants. But most of this legislation was permissive in its character. It was left to the vestries to put it into force or not as they pleased; and as most of these vestries were dominated by men who kept public houses or jobbed and traded in unsanitary property, much of the legislation became inoperative and might just as well never have been put on the statute book. Vested interests in disease and death dominated most of the forty-odd unrepresentative local governing authorities of the metropolis. Parliament was either afraid of these vested interests or indifferent to what was going on around it in the great community in the midst of which it assembled every year for its sessions; and except for the creation of the metropolitan board of works in 1855—the board which took in hand the main drainage works and other large London improvements—there was no well-marked sanitary improvement in the metropolis until after 1888, when the London county council, a body elected by the voters at large, superseded a central governing body which had been composed of representatives of the vestries, which for a century had failed in the work which unheeding governments and equally unheeding parliaments had left in their utterly incompetent hands.

Generally speaking, it may be said that most of the improvements in London conditions which Mr. Jephson is able to record in his later chapters came after the wide extension of the parliamentary franchise in 1884–1885. What have been described as the great governing families of England dominated cabinets and administrations at Whitehall during most of the period of which Mr. Jephson writes. His book is as much an indictment of these great governing families as it is of parliament. It cannot be said in extenuation of the attitude of the governing classes of this period towards London that they were not able to inform themselves of actual conditions. Mr. Jephson quotes from hundreds of reports of medical officers of health which were available for the use of the government if they were not actually on file in the state departments at Whitehall. But governments and parliament only bestirred themselves when cholera was moving westward on London or when smallpox was carrying off its victims at the rate of 5000 a year; and the result of all this long indifference and neglect or of half-hearted effort at best is told in Mr. Jephson's pages. It is sad reading, for it is

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the story of the fate of people who were mowed down by tens of thousands, and who were for the most part utterly helpless. English people are supposed to have a genius of self-government. This genius was never manifest in the government of the metropolis until the last decade of the nineteenth century; chiefly because London was denied opportunities for self-government which were granted to the large towns of the provinces as early as 1835, and because parliament and the government never gave the people of London an effective lead. Mr. Jephson's book is not one which adds to the credit or the reputation of British parliamentary and governmental institutions. It is rather one which tends to subdue the pride of the English in their institutions and their efficiency—at least so far as these institutions existed until fifteen or twenty years ago. None the less the sanitary evolution of London, as traced by Mr. Jephson, has lessons of the greatest value for every country confronted by the municipal problems that are inherent to the growth and development of large cities.

EDWARD PORRITT.

The Spirit of Parliament. By DUNCAN SCHWANN, M.P. (London: Alston Rivers. Pp. ix, 201.)

Mr. Duncan Schwann is a young liberal member of parliament—not yet thirty years of age. He was elected to the house of commons for the first time in January, 1906, when he stood for the Hyde Division of Cheshire, and converted a conservative majority of 569, in 1900, into a minority of 1063, in the great electoral overturn of January, 1906. Young as he is, and new to his parliamentary duties, he has had peculiar opportunities of becoming acquainted with political life and traditions. His father has sat since 1886 for North Manchester, and in the parliament of 1900 he was the only liberal among the nine members who represent the twin cities of Manchester and Salford. Mr. Schwann, senior, is one of the most active of Manchester liberals, and from his earliest childhood Mr. Duncan Schwann grew up in an atmosphere of political activity and of genuine and earnest liberal convictions. The *Spirit of Parliament* is instinct with this political atmosphere. The little volume is exactly what its title implies. It is in no way a manual of parliamentary life. It contains neither facts nor statistics; but it does give better than any book previously in existence, a realization of parliament from the inside—the spirit that pervades and vivifies the forms and procedure of the house of commons. Mr. Schwann is convinced that the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

English party system will continue—that in spite of the divisions in the liberal party, the group system of continental Europe will not supersede the traditional and historic bi-party system of Great Britain. He is also convinced that the anachronism of an unrepresentative house of lords will be swept away without violence or revolution. He devotes a chapter to a discussion of the future of the house of commons, in which he dwells on the present overloaded and overworked condition of parliament, and prognosticates a very general devolution of powers to inferior representative councils—a widespread system of home rule all around. It is not, however, the predictions of Mr. Schwann which make the volume of value to the student. The two chapters devoted to a parliamentary campaign in a county division, and the chapters describing the duties and activities of a member of the house of commons, and the career of a successful member, who has made his way from the back benches to the treasury bench, will give an American student of the English political system an understanding of the spirit of parliament, which never could be gained from the most careful study of May's *Parliamentary Practice* or Redlich's *Procedure of Parliament*.

Federal Usurpation. By FRANKLIN PIERCE. (New York: D. Appleton and Company. 1908. Pp. xx, 437.)

This book is a vigorous indictment of the men and methods of the federal government. It is an indictment of men because it attributes to them an intention to usurp the powers of the commonwealths in order to direct "the attention of the people to the all-wise providence of Congress and the Executive" (p. 132). Irrigation is proposed by the federal government for political ends "simply for the purpose of attaching to it millions of farmers scattered through the States" (p. 188). It is an indictment of methods because it asserts that ends sought, in themselves laudable, are attained by means which the Constitution does not permit. Finally it is an indictment of the people of the United States because of the doubt whether they really wish good government (p. 377).

The book deals with live questions which are often considered to be partisan in their nature. It is published in a presidential year, and if widely read would influence many voters. Yet its object is not party propaganda, and it is as nearly impartial as any work which a man with strong convictions could be expected to write.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A book of this kind is salutary and timely even though it may exaggerate the evils of the present situation. It is "a plea for the sacredness of the Constitution of the United States" (p. ix). At the same time it is a criticism of it. "This Constitution is the most undemocratic instrument to be found in any country in the world today" (p. 389). The real contention of the book is therefore (1) that whatever constitution exists should be inviolable. It should be changed only in the manner prescribed by itself for its own amendment. Until changed in this manner it should be rigorously observed; (2) that the Constitution of the United States is not now a suitable instrument for the government of the United States, and should be completely remodeled (p. 390).

On theoretical grounds few will doubt the truth of these propositions. Most men do doubt the practicability of remodeling the Constitution by means of amendment. If Mr. Pierce could by his book so stir the people of the commonwealths that they would by amendment provide an easier method of changing the Constitution, he would have accomplished a herculean task. Mr. Hannis Taylor said: "Nothing is more generally admitted in the politics of this country than the fact that any reform is practically hopeless that depends upon the amendments, under normal conditions, of the Constitution of the United States." It is this fact that has made "federal usurpation" seem almost necessary. With the growth of the country, the exercise of greater powers by the federal government has been demanded. The only way in which these powers can be exercised, if amendment is impossible, is by expansion of the Constitution through judicial interpretation. Thus according to Mr. Justice Brewer, "The Constitution is supposed to possess an elasticity which would make the manufacturers of india rubber choke with envy" (p. 289).

Mr. Pierce considers his subject under the following heads: (1) The Birth of the Constitution, in which he indicates the original limitations and powers of the central and State governments. Then he shows how the powers of the States have been encroached upon; (2) by Usurpation in the Civil War and Reconstruction Period; (3) by Executive Usurpation; (4) by Paternalism and Imperialism; (5) by Congressional Usurpation; (6) by the United States Supreme Court the Absolute Power. The chapter on Treaty Power and State Rights (7) does not illustrate federal usurpation, but rather the failure of the central government to use its legitimate powers. Chapter 8 deals with The Interstate Commerce Clause. Chapter 9, State Centralization through Commissions

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and Courts, relates only indirectly to federal usurpation. Usurpation in Administrative Law (10) is one of the most suggestive chapters in the book. The closing chapter, How to Restore the Democratic Republic, since it provides a remedy, is most apt to meet with objection from the reader.

On one point there should be no dissent in a modern republic, i. e., that publicity, supposed to be the antidote for trust evils, would be equally effective when applied to methods of federal government. Publicity in congressional legislation by the abolition of committee control; and responsibility of the dominant party through the cabinet for all legislation, would undoubtedly aid in awakening the people to their responsibilities as citizens. Had his book appeared a few months later, Mr. Pierce would have found a hopeful sign in the mass meetings recently held in New York State to protest against the defeat of the anti-racetrack gambling bill. Such a general awakening throughout the United States is necessary before a readjustment of commonwealth and federal powers can be accomplished by constitutional amendment.

FREDERICK CHARLES HICKS.

The Spirit of American Government. By J. ALLEN SMITH. (New York: The Macmillan Company. Pp. xv, 409.)

Mr. Smith's thesis is that the Constitution of the United States was deliberately contrived to frustrate democratic government. The people were deceived as to the real intention, for "the conservatives who framed the Constitution and urged its ratification *posed as the friends of democracy.*" The words italicized would have astonished James Madison. In his contributions to *The Federalist* he was never weary of explaining that the proposed scheme of national government was not to be regarded as democratic. The point on which he laid the strongest emphasis (*vide* No. X) was that there was a radical difference between a republic and a democracy, and hence that the wretched characteristics of democracy should not be imputed to the proposed form of government. It is quite true that the Fathers did not use the term democratic as being synonymous with the rule of public opinion, but rather as implying the rule of faction, but Mr. Smith does not note this distinction, nor, indeed, does he define anywhere just what he means by democratic government.

Starting with the proposition that the Constitution was the outcome of a conspiracy against popular government, he views the present defects

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of our political system as logical results. He includes even such a historical accident as the short session of congress after a new congress has been elected. Mr. Smith admits that this was "not provided for or perhaps even contemplated by the framers of the Constitution," but, nevertheless, he holds it to be the "logical outcome of their plan to throttle the power of the majority." All the institutions of government are examined in this spirit. There is a censorious tone throughout, particularly marked in the comments upon the federal judiciary. The book contains some valuable information, but lacks insight and historical perspective.

It would be worth while for Mr. Smith to observe that where democratic government has been actually established it has been secured not by framing democratic constitutions but by instituting democratic procedure. Mr. Smith notes that "our Constitution was modeled in a general way after the English government of the eighteenth century." That is true. But the English have the same old eighteenth century form of government still intact and yet they have erected democratic government within in that form. There is no *a priori* reason why the American people can not do the same with their eighteenth century form. The way is as open to them as it was for the English, but they find it not, chiefly because they have been persuaded to dally with nostrums which English democracy ignores.

HENRY JONES FORD.

Ideals of the Republic. By JAMES SCHOULER. (Boston: Little, Brown and Company. 1903. Pp. 304.)

This volume consists of a number of lectures delivered by the author during recent years at the Johns Hopkins University, and now presented for the first time to the general public. The purpose, as stated in the preface, is "to trace out those fundamental ideas, social and political, to which America owes peculiarly her progress and prosperity, and to consider the application of those ideas to present conditions." Dr. Schouler presents in an attractive style the familiar doctrines embodied in the early constitutions and bills of rights, and treats also such supplementary matters as centralizing tendencies, the civil service, and parties and party spirit.

Upon most of the topics discussed the observations of the author, though not startling in their novelty, are eminently sound and just. Exception might be taken, however, to some of the views presented.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

For example, we are told that civil rights are deducible from natural rights "All civil law, all sovereignty," it is declared, "safeguards, properly speaking, those primitive rights which our Creator has made inherent and unalienable in each member of the human race." Dr. Schouler's philosophy, as presented in the work under review, may be described as a modified individualism. For those who believe that such a philosophy belongs to a past stage of thought, the application of the ideas implicit in it to present national conditions will leave something to be desired. The successive reactions of the constantly increasing complexities of modern conditions upon the social psychology of the nation are tending to cast the ideals of the present into a larger mold than was necessary or desirable at an earlier period of our history. Subject, however, to the limitations thus indicated, Dr. Schouler's book will serve its purpose as a useful résumé of those national ideals which have prevailed in the past.

J. M. MATHEWS.

Sixty Years in Upper Canada, with Autobiographical Recollections. By CHARLES CLARKE, late Clerk of Legislature of Ontario. (Toronto: William Briggs. 1908. Pp. vi, 321.)

Mr. Charles Clarke cannot be congratulated on having made the most of the opportunity of writing a book on the political history of the province of Ontario that might have been of first-class importance. He arrived in Upper Canada in 1844 as an immigrant from Lincolnshire. His first political work in the country of his adoption was as editor of a newspaper at London, Ontario. Then he went into the legislature. He served as speaker, and for many years after his retirement from the chair he was clerk of the legislature at Toronto. Few men in political life in Ontario today have had opportunities for writing on the constitutional history of the province such as has fallen to the lot of Mr. Clarke. Yet the only chapters in his recollections that are of permanent value from a political point of view are those that describe the organization of the Ontario legislature after confederation in 1867. Before confederation the provinces of Upper and Lower Canada, now Ontario and Quebec, were united in one legislature. The union was most unsatisfactory in many aspects; and at confederation there was a reversion to a separate legislature for each province. The Quebec legislature was reorganized on the old plan of a legislative council and assembly. Ontario, on the other hand, made what was then considered the daring experiment of establish-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ing a single legislative chamber, and in this particular set an example which has been followed by Manitoba and several other of the newer provinces of the Dominion. Mr. Clarke had his part in the organization of the new Ontario legislature; and, as has been said, it is when writing of this experiment that his recollections are of value. He writes at length of the work of the legislature from 1867 to 1896; also of the organization of the municipalities and of the development of the Ontario municipal code. But here unfortunately there is a lack of definiteness that is sometimes irritating—a lack of clearness and completeness that gives rise to the wish that Mr. Clarke had realized the possibilities of usefulness of his book to students of provincial politics and municipal development in Ontario.

National and Social Problems. By FREDERICK HARRISON. (New York: The Macmillan Company. Pp. xxxi, 450.)

This volume is a collection of essays originally published in periodicals at intervals since 1870. But it is much more than a collection. The essays are articulated by means of a general introduction and by prefatory remarks on each, so that the volume forms part of a systematic explanation of Mr. Harrison's social philosophy, based on the system of August Comte. This supplies a principle of organic unity to the discussion of topics ranging from the Franco-German war to the latest developments of tradesunionism and the prospects of socialism.

Mr. Harrison has a securely established reputation as a writer who unites power of thought with power of expression, and this rare combination gives peculiar literary distinction to all he produces. The present volume displays his ability as finely as any previous volume issued by him in his long career as an author. In reading its vivid and stirring pages, one feels with renewed force the soundness of De Quincey's classic d vision of literary production into the literature of knowledge and the literature of power. No other classification than that of the literature of power would accommodate such a work as this. It deals with facts only with regard to their significance; it imparts information only as a means to insight. Its treatment of themes is much more than expository; it is dynamic.

The reader may or may not agree with Mr. Harrison's ethical interpretations. The present reviewer does not do so upon some fundamental points. The subject is too encyclopedic to admit of detailed discussion within the available limits of space. But it is certain that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

whether one agrees or disagrees, one will get a mental uplift from reading this work. In this way it will be particularly valuable to those of us who are specialists, intent upon knowledge in our particular lines of study. Our trouble is that we may fail to see the wood for the trees. Mr. Harrison takes us to a height from which we can view the whole landscape. Take, for instance, the essay on the Limits of Political Economy. One will not find in it any account of schools of political economy or their various theories, but one does find a searching criticism of political economy as a science. While there may be little to add to one's nformation there is much to stir one's thought and quicken one's insight. A like dynamic quality characterizes the essay on Moral and Religious Socialism. Mr. Harrison sympathizes with the purpose of socialism but condemns it as not being fit means for its own ends. His criticism goes straight to that point, without tarrying to consider the socialistic dialectic to which critics of socialism usually devote their attention. That is characteristic of Mr. Harrison's method. He ignores accidents and deals with essentials. What students may obtain from this volume is not packets of information but draughts of power.

HENRY JONES FORD.

A History of Modern Liberty. By JAMES MACKINNON, Ph.D. (London: New York, Bombay, and Calcutta: Longmans, Green and Company. 1908. Volume III, Pp. xviii, 501.)

The third and fourth volumes of Dr. Mackinnon's work deal with the Struggle with the Stuarts. The third volume begins with the Accession of James I and ends with the Scottish Surrender of Charles I to the English Parliamentary Commissioners. The consideration of the struggle will be concluded in the fourth volume which is in press. The importance of this contest for the development of liberty justifies the author in restricting his discussion in these volumes to England and Scotland. He is not unmindful of the American phase of this struggle nor of the forces which were at work upon the Continent, but prefers to consider these matters in connection with later revolutionary movements.

In the present volume the author adheres to his broad conception of human liberty and gives due attention to the development of religious and intellectual as well as political freedom His interest continues to be chiefly with the historical narrative which he presents at times with greater detail than is necessary for the general purpose of his work.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

While he manifests some national bias in his discussion of English-Scottish relations he is entirely frank in recognizing the narrowness and intolerance of the Scottish Presbyterian church and state.

The account of the events of the period does not entirely exclude a discussion of the development of thought. In many of the chapters there is some consideration of this subject, while Chapter I on the Political Significance and Effects of the English Reformation and the final chapter of the volume dealing with Toleration—Church versus Sect—Religious and Intellectual Liberty, give particular attention to the writers of the period. The volume as a whole maintains the standard of the earlier work.

ISIDOR LOEB.

Dictionary of Political Phrases and Allusions. By HUGH MONTGOMERY and PHILIP G. CAMBRAY. Sonnenschein's Reference Series. (London: Swan Sonnenschein and Company. 1906. Pp. 406.)

Although the title of the book is a general one, its contents pertain almost exclusively to the British Isles. A few references are made to the politics and government of Continental Europe and only an occasional one to American affairs.

The *Dictionary* is arranged in alphabetical order and brief explanations are given of such terms as "Budget," "Imperial Federation,' and "Unionist Compact." Hundreds of political and governmental terms and historical allusions are explained in this way. The treatment is of necessity very brief. Sometimes the explanation is condensed into a single sentence and it rarely occupies more than a page of the text. When due allowance is made for brevity, the treatment is, on the whole, satisfactory. The book is well edited and should prove useful to students of British politics. It contains a number of current terms and expressions whose explanations could not be easily found elsewhere.

THOMAS F. MORAN.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

INDEX TO RECENT LITERATURE—BOOKS AND PERIODICALS

ADMINISTRATIVE LAW

Books

Boeuf, H. Resumé de droit administratif. 21e ed. Paris: Larose et Tenin. Pp. viii, 608.

Brauchitsch, M. v. Die neuen preussischen Verwaltungsgesetze. 2d ed. Vol. VII. Berlin: C. Heymann. Pp. xii, 773.

Castan, Léopold. Des pouvoirs d' administration des tribunaux anglais. Paris: Giard et Brière. Pp. 144.

Fleiner, Fritz. Verwaltungsrechtsfälle zum akademischen Gebrauch. Tubingen: J. C. B. Mohr. Pp. 64.

Gugel, Herman. Verwaltungsrecht des königreichs Württemberg. Heidelberg: Emmerling & Sohn. Pp. xvi, 767.

Laferrière, Julien. Le droit de propriété et le pouvoir de police. Paris: Giard et Brière. Pp. 240.

Mailhol, D. de. Dictionnaire encyclopédique d'administration générale. Vols. iv, v. Paris.

Schultz, B. Hilfsbuch zur Einführung in die Praxis der oesterreichischen politischen Verwaltung. Vienna: Akadem. Verlag. 2 vols.

COLONIES

Books

Aubry, P. La colonisation et les colonies. Paris. Pp. 400.

Beer, George Louis. Origins of the British Colonial system, 1578–1660. New York: The Macmillan Company. Pp. viii, 438.

Ewart, John S. Kingdom of Canada, imperial federation, the colonial conferences, the Alaska boundary, and other essays. Toronto: Morang and Company. Pp. xv, 370.

Fitzner, R. Deutscher kolonial-Handbuch. Berlin: H. Paetel. Pp. vii, 364.

Girault, Arthur. Principes de colonisation et de législation coloniale. Paris: Larose et Tenin. 3 vols.

Laferrière, J. Les colonies américaines et la constitution. Paris: Giard et Brière.

Métin, A. La Colombie brittanique. Étude sur la colonisation au Canada. Paris: A. Colin. Pp. 431.

Tonnelat, E. L'Expansion allemande hors d'Europe. Paris: Colin. Pp. 278.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CONSTITUTIONAL LAW

Books

Anderson, Frank Maloy. Constitutions and other select documents illustrative of the history of France, 1789–1907. 2d ed. Minneapolis: H. W. Wilson, 1908. Pp. vi–xxvii, 693.

Anson, W. R. The law and custom of the constitution. Vol. 2, part 2, 3d ed. Oxford: Clarendon Press. Pp. 372.

Bazille, W. Das Staats- und Verwaltungsrecht des königreichs Württemberg. Hannover: M. Jänecke. Pp. ix, 351. (Bibliothek des oeffentlichen Rechts.)

Bornhak, C. Staats- und Verwaltungsrecht des Grossherzogtums Baden. Hannover: M. Jänecke. Pp. vi, 174. (Bibliothek des oeffentlichen Rechts.)

Bradley, A. G. The making of Canada. London: Constable. Pp. 404.

Codice costituzionale e amministrativo del regno d'Italia, Compilato per cura di G. Saredo. 3d ed. Firenze: Barbèra. Pp. 984.

Cooke, F. H. The commerce clause of the federal constitution. New York: Baker, Voorhis and Company. Pp. 92, 302.

Dicey, A. V. Introduction to the study of the law of the constitution. 7th ed. New York: The Macmillan Company. 1908.

Dodd, W. F. Modern constitutions. Chicago: University of Chicago Press. 2 vols.

Errera, Paul. Traité de droit public belge. Droit constitutionnel. Droit administratif. Paris: Giard et Brière. Pp. ix, 825.

Finley, John H., and *Sanderson, John F.* American executive and executive methods. New York: The Century Company. Pp. 3–352.

Flack, Horace E. Adoption of the fourteenth amendment. Baltimore: Johns Hopkins Press. Pp. 286.

The Government of South Africa. Capetown: Central News Agency, Ltd., South Africa, 1908. 2 vols.

Göz, Karl. Das Staatsrecht des Königreichs Württemberg. Tubingen: J. C. B. Mohr. Pp. xi, 573.

Heidborn, A. Manuel de droit public et administratif de l'empire Ottoman. Vol. i. Vienna: C. W. Stern. Pp. v, 234.

Hue de Grais. Handbuch der Verfassung und Verwaltung in Preussen und dem Deutschen Reiche. 19th ed. Berlin: J. Springer. Pp. xii, 676.

Hughes, Henry Clay. Philosophy of the federal constitution. Washington: Neale Publishing Company. Pp. 8–164.

Kulisch, Max. Die rechtliche Stellung der beiden Haüser des Reichsrates zur Geschäftsordnung. Tubingen: 1908.

Long, B. R. The framework of union [for South Africa]. A comparison of some union constitutions. With a sketch of the development of union in Canada, Australia, and Germany; and the text of the constitutions of the United States, Canada, Germany, Switzerland and Australia. Prepared for and issued by the Closer Union Society. Capetown: Cape Times. 1908. Pp. viii, 207, cxviii.

Meier, Ernst von. Französische Einflüsse auf die Staats- und Rechtsentwickelung Preussens im xix Jahrhundert. Bd. II. Leipzig: Duncker and Humblot. Pp. xi, 509.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Moran, Thomas F. Theory and practice of the English Government. New edition. New York: Longmans. 1908. Pp. 379.

Moreau, F. Manuel de droit public français. Paris.

Nott, Charles C. The Mystery of the Pinckney Draught. New York: The Century Company. Pp. 335.

Putney, Albert H. United States constitutional history and law. Chicago: Illinois Book Exchange. Pp. 599.

Rhamm, Landsynd. Das Staatsrecht des Herzogtum Braunschweig. Tubingen: J. C. B. Mohr. Pp. viii, 184. (Das öffentliche Recht der Gegenwort.)

Schwarz, Otto Georg. Staatsrecht. Verwaltungsrecht. Berlin: C. Heymann. Pp. viii, 254.

Snyder, Henry G. The Constitution of Oklahoma. Kansas City. 1908.

Spieser, H. Elsass-Lothringen als Bundesstaat. Berlin: Schwetschke. Pp. iv, 131.

Timon, Akos v. Ungarische Verfassungs- und Rechtsgeschichte. 2d ed. Berlin: Puttkammer & Mühlbrecht. Pp. xvi, 835.

Trail, H. D. Central Government. Revised and corrected by Sir Henry Craik. London: Macmillan. Pp. 176.

Veldman, H. S. Het Nederlandsche Staatsrecht aan de grondwet ontleend. Groningen. Pp. vii, 200.

White, Albert Beebe. The Making of the English Constitution, 449–1485. New York: G. P. Putnam's Sons. Pp. xxvii, 410.

Wilson, Woodrow. Constitutional government in the United States. New York: The Macmillan Company. Pp. 7, 236.

Articles in Periodicals

Admiralty. Jurisdiction of the Admiralty in Cases of Tort. *H. B. Brown.* Col. L. Rev. January.

Constitution. Federal Constitution and the Defects of the Confederation. *M. Farrand.* Am. Pol. Sci. Rev. November.

Contracts. Stare Decisis and Contractual Rights. *W. Larremore.* Harv. L. Rev. January.

Employers' Liability. The Federal Employers' Liability Act of 1908—Is it Constitutional? *F. W. Hackett.* Harv. L. Rev. November.

House of Lords. The House of Lords. III. *C. R. A. Howden.* Jurid. Rev. October.

Illinois. Recent Legislation and Constitutional Decisions in Illinois. *J. M. Matheny.* Ill. L. Rev. October.

Judicial Power. The Extent of the Judicial Power of the United States. *S. E. Baldwin.* Yale L. Jr. November.

Jury. The Constitutional Right to a Trial by a Jury of the Vicinage. *H. G. Connor.* Pa. L. Rev. and Am. L. Reg. *January.*

Quarantine. Federal Quarantine Laws. *E. Maxey.* Pol. Sci. Quar. December.

Railways. Commutation Tickets and Rate Regulation. *B. D. Whiting.* Col. L. Rev. December.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Railways. An Inquiry Into the Power of Congress to Regulate the Intra-State Business of Inter-State Railroads. *D. W. Fairleigh.* Col. L. Rev. January.

Railways. Railroads: National vs. State Control. *H. Glass.* Am. L. Rev. November-December.

Separation of Powers. Rate Regulation as Affected by the Distribution of Governmental Powers in the Constitutions. *R. P. Reeder.* Pa. L. Rev. and Am. L. Reg. November.

State Constitutions. First State Constitutional Conventions. *W. F. Dodd.* Am. Pol. Sci. Rev. November.

State Law. The Supreme Court of the United States and the Enforcement of State Law by State Courts. *H. Schofield.* Ill. L. Rev. November.

Taxation. Federal Taxation of Interstate Commerce. *S. E. Baldwin.* Harv. L. Rev. November.

Treaty Power. Die Rechtsprechung des Supreme Court of the United States betreffend Art. 1 Abs. 10 der Verfassung der Vereinigten Staaten. *F. W. Moller.* Zeitschrift fur Völkerrecht u. Bundesstaatsrecht. Vol. 3, no. 1.

Treaty Power. An Organic Conception of the Treaty-Making Power vs. State Rights as Applicable to the United States. *C. S. Clancy.* Mich. L. Rev. November.

Trusts. The Federal Anti-Trust Act and Minority Holdings of the Shares of Railroads by Competing Companies. *G. C. Todd.* Harv. L. Rev. December.

Trusts. The Sherman Anti-Trust Law and the Proposed Amendment Thereto. *C. E. Littlefield.* Green Bag. December.

INTERNATIONAL LAW AND DIPLOMACY

Books

Agabiti, E. Alberico Gentili fondatore della scienza del diritto internazionale. Fermo: Disideri. Pp. 85.

Alderson, Albert W. The extinction in perpetuity of armaments and war. London: P. S. King. Pp. 218.

Bonfils, H. Manuel de droit international public. 5e édition par P. Fauchille. Paris.

Bordwell, Percy. The law of war between belligerents: A history and commentary. Chicago: Callaghan and Company. 1908. xxiv, 374.

Bustamente y Sirvén, A. S. La segunda conferencia de la paz reunida en el Haya en 1907. Madrid: Fortanet. 2 vols.

Clercq, A. de et Vallat, C. de. Formulaire des chancelleries diplomatiques et consulaires. Vol. I. 7th ed. Paris: Pedone. Pp. 877.

Descamps et Renault. Recueil international des traités du xxe siècle. Année 1903. Paris: A. Rousseau. Pp. 1016.

Devlin, Robert Thomas. Treaty power under the constitution of the United States. San Francisco: Bancroft-Whitney Company. Pp. lxx, 864.

Eichthal, E. d'. Guerre et paix internationales. Paris: O. Dion. Pp. 350.

Heinrichs, A. Deutsche Niederlassungsverträge und Uebernahmeabkommen. Berlin: C. Heymann. Pp. xii, 410.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Hogan, Albert E. Pacific Blockade. Oxford University Press. Pp. 183.

Hull, William I. Two Hague Conferences and their Contributions to International Law. Boston: Ginn and Company. Pp. xiv, 516.

Jeancourt-Galignani, A. L'Immigration en droit international. Paris: A. Rousseau. Pp. 194.

Lisboa, Henrique C. R. Les fonctions diplomatiques en temps de paix. Paris: Larose et Tenin.

Marghinotti, Lare. Introduzione al diritto internazionale pubblico. Sassari. Pp. xviii, 195.

Moulin, H. A. La doctrine de Drago. Paris: Pedone.

Nippold, Otfried. Die zweite Haager Friedenskonferenz. I. Tl. Das Prozessrecht. Leipzig: Duncker and Humblot. Pp. viii, 231, xcii.

Nys, Ernest. Idées modernes. Droit international et Franc-maçonnerie. Brussels. Pp. 124.

Perels, F. Das allgemeine öffentliche Seerecht im Deutschen Reiche. Sammlung der Gesetze und Verordnungen. Berlin: Mittler und Sohn.

Pillet, Antoine. La cause de la paix et les deux conférences de La Haye. Paris: Dumoulin.

Recueil des traités et conventions conclus par l'Autriche-Hongrie avec les puissance étrangèrers. Nouvelle Série, tome 23. Vienna, C. Fromme. Pp. 507.

Rohland, W. v. Völkerrechtsquellen. 2d ed. Freiburg: Troemer. Pp. vi, 283.

Rousseau, Louis. Les relations diplomatiques de la France et de la Turquie au xviiie siècle. Tome I (1700–1716). Paris: Rudeval. Pp. xvi, 397.

Scott, James Brown. Texts of the peace conferences at The Hague, 1899 and 1907, with English translation and appendix of related documents. Boston: Ginn and Company. Pp. xxxiv, 447.

Söderquist, Nils. Le blocus maritime. Stockholm. Pp. 307.

Tardieu, André. France and the Alliances: The Struggle for the Balance of Power. New York: The Macmillan Company. Pp. x, 314.

Articles in Periodicals

Africa. Le congrès de l'Afrique du Nord. *P. Chemin-Dupontès.* Ques. Dip. et Col. November 1.

Arctic Regions. La question de la souveraineté des arctiques: la question de l'ile des Ours (avec une carte). *R. Waultrin.* Rev. Gen. de Droit Int. Pub. May-June, July–August.

Asylum. Le droit d'asile dans les légations et les consulats étrangers et les négociations pour sa suppression en Haiti. *R. Robin.* Rev. Gen. de Droit Int. Pub. September-October.

Austria-Hungary. La condition internationale de l'Autriche-Hongrie et le nouveau Compromis douanier et commercial. *J. Blociszewski.* Rev. Gen. de Droit Int. Pub. September–October.

Balkans. Les deux conflits balkaniques. *J. Dorobantz.* Ques. Dip. et Col. November 16.

Balkans. La crise orientale. *A. Gauvain.* Ques. Dip. et Col. October 16.

Baltic Sea. La convention relative à la Baltique et la question de la fortification

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

des iles d'Aland. Exposé du point de vue allemand. *A. de Floeckher.* Rev. Gen. de Droit Int. Pub. May–June.

Bulgaria. La situation diplomatique de la Bulgarie avant la proclamation de son indépendence le 5 octobre 1908. *G. Sgelle.* Rev. Gen. de Droit Int. Pub. September–October.

Contraband. History of Contraband of War. II. *H. J. Randall.* Law Quar. Rev. October.

Crimes on High Seas. De la jurisdiction compétente à l'effet de connaitre des crimes et délits commis en haute mer sur des navires de commerce et des quasi-délits survenus dans les mémes conditions. *C. Jordan.* Rev. de Droit Int. et Leg. Comp. 1908, no. 5.

Disarmament. Disarmament. *R. P. Hobson.* Am. Jr. of Int. Law. October.

Domicile. Domicile in Countries Granting Exterritorial Privileges to Foreigners. *C. H. Huberich.* Law Quar. Rev. October.

Egypt. Les tribunaux de la reforme. Leur influence sur l'éducation morale et juduciare de l'Égypte et les avantages que leur institution lui a procurés. *S. G. Bey.* Rev. de Droit Int. et Leg. Comp. 1908, no. 5.

Franco-Americans. Les Franco-Américains de la Nouvelle-Angleterre. *H. R. Savary.* Ques. Dip. et Col. October 1.

German Navy. La marine allemande. *Commandant Davin.* Ques. Dip. et Col. October 16.

Hague Conference. Obligatory Arbitration and the Hague Conference. *W. I. Hull.* Am. Jr. of Int. Law. October.

Hague Conference. The Second, Third, and Fourth Voeux of the Conference. *G. B. Davis.* Am. Jr. of Int. Law. October.

Hague Conference. Recommendation for a Third Peace Conference at The Hague. *J. B. Scott.* Am. Jr. of Int. Law. October.

Hague Conference. The Proposed Court of Arbitral Justice. *J. B. Scott.* Am. Jr. of Int. Law. October.

Hague Conference. Ueber die Beschlüsse der Haager Konferenzen vom 12 Juni 1902. *G. V. Roszkowski.* Zeitschrift fur Völkerrecht u. Bundesstaatsrecht. Vol. 3, no. 2.

Hague Conference. Die zweite Haager Konferenz. *J. Kohler.* Zeitschrift fur Völkerrecht u. Bundesstaatsrecht. Vol. 2, nos. 5 and 6.

International Law. Beitrage zum zwischenstaatlichen Recht. *J. Kohler.* Zeitschrift fur Völkerrecht u. Bundesstaatsrecht. Vol. 3, no. 2.

International Law. Das Geltungsgebiet des Völkerrechts in Theorie und Praxis. *O. Nippold.* Zeitschrift fur Völkerrecht u. Bundesstaatsrecht. Vol. 2, nos. 5 and 6.

International Law. La physionomic moderne du Droit international. *A. Pincitore.* Zeitschrift fur Völkerrecht u. Bundesstaatsrecht. Vol. 3, no. 1.

International Unions. Die modernen nicht-staatlichen internationalen Verbande und Kongresse und das internationale Recht. *W. Kaufmann.* Zeitschrift fur Völkerrecht u. Bundesstaatsrecht. Vol. 2, nos. 5 and 6.

Japan. Les Japonais aux États-Unis. *E. B.* Ques. Dip. et Col. October 1.

Japan. Angleterre et Japon. *Mylès.* An. de. Sci. Pol. November 15.

Japan. Japan in Manchuria. II. *K. Asakawa.* Yale Rev. November.

Limitation of Armament. The Case for Limitation of Armaments. *B. F. Trueblood.* Am. Jr. of Int. Law. October.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Nationality. De la nationalité et des diverses manières dont elle s'acquiert dans les principaux États du Globe. Étude de législation comparée. *E. Lehr.* Rev. de Droit Int. et Leg. Comp. 1908, no. 5.

Rio de Janeiro. La Conférence de Rio de Janeiro de 1906 et l'Union internationale des Républiques américaines. *J. Basdevant.* Rev. Gen. de Droit Int. Pub. May-June.

Slavs. Le Congrès slave de Prague (12–18 juillet 1908). *W. Beaumont.* An. de. Sci. Pol. September 15.

Slavs. Les Slaves du Sud dans le drame d'Orient. *Henry.* Ques. Dip. et Col. November 1.

Succession of States. La définition des droits acquis, sa portée générale et son application en matière de succession d'Etat à Etat. *P. Descamps.* Rev. Gen. de Droit Int. Pub. July–August.

Turkey. La Turquie nouvelle et l'Islam. *H. Marchand.* Ques. Dip. et Col. October 16.

Turkey. La justice ottomane dans ses repports avec les puissances étrangères. *A. Mandelstam.* Rev. Gen. de Droit Int. Pub. July–August.

Uruguay. L'Uruguay, sa situation économique et ses relations avec la France. *Ed. Payen.* Ques. Dip. et Col. October 1.

Venezuela. Le différend entre la Hollande et le Vénézuéla. *C.-G. de Haseth Cz.* Ques. Dip. et Col. October 1.

JURISPRUDENCE

Books

Beal, E. Cardinal Rules of Legal Interpretation. 2d ed. London: Stevens and Sons.

Buckland, W. W. Roman Law of Slavery. New York: G. P. Putnam's Sons. Pp. 736.

Czyhlarz, Karl Ritter v. Lehrbuch der Institutionen des römischen Rechtes. 9th and 10th ed. Vienna: F. Tempsky. Pp. x, 403.

Dareste, Rodolphe. Études d'histoire du droit. 2e ed. Paris: Larose et Tenin. Pp. xvi, 419.

Münsterberg, H. On the Witness Stand: Essays on Psychology and Crime. New York: McClure. Pp. 269.

Smith, H. E. Juridical law. Chicago: T. H. Flood.

Vecchio, G. del. Il concetto della natura e il principio del diritto. Turin: Bocca. Pp. 174.

Articles in Periodicals

Aristotle. Aristotle on Legal Redress. *P. Vinogradoff.* Col. L. Rev. November.

Ecclesiastical Law. The Date of Separation of Ecclesiastical and Lay Jurisdiction in England. *W. Lichtenstein.* Ill. L. Rev. January.

French Law in America. The Influence of French Law in America. *Roscoe Pound.* Ill. L. Rev. January.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Delays of the Law. Avoidable Delay in the Trial Courts. *J. B. Moore.* Yale L. Jr. December.

Delays of the Law. The Delays of the Law. *W. H. Taft.* Yale L. Jr. November.

Hungary. Hungarian Law. *F. Nagy.* Law Mag. and Rev. November.

Injunctions. The Proper Use of the Writ of Injunction—From the Standpoint of Legal History. *F. W. Stevens.* Col. L. Rev. November.

Jurisprudence. The Basis of Law. *J. Mahon.* Am. L. Rev. November-December.

Jurisprudence. Reason and Conscience in Sixteenth-Century Jurisprudence. *P. Vinogradoff.* Law Quar. Rev. October.

Jurisprudence. Mechanical Jurisprudence. *Roscoe Pound.* Col. L. Rev. December.

Laissez Faire. Laissez Faire and the Supreme Court of the United States. *A. A. Bruce.* Green Bag. November.

Law and Morals. Law and Morals. *J. B. Ames.* Harv. L. Rev. December.

Legal Ethics. The New American Code of Legal Ethics. *S. E. Baldwin.* Col. L. Rev. November.

Personality. The Juristic Person. *G. F. Deiser.* Pa. L. Rev. and Am. L. Reg. December, January.

Personality. The Nationality of a Juristic Person. *E. H. Young.* Harv. L. Rev. November.

MUNICIPAL ADMINISTRATION

Books

Baker, Moses Nelson. Municipal Year Book. New York: Engineering News. 1908.

Larson, Lawrence M. Financial and Administrative History of Milwaukee. Madison: University of Wisconsin.

League of American Municipalities. Book of American Municipalities. Chicago, 1908. Pp. 144.—Proceedings of the twelfth Annual Convention. Chicago, 1908.

McCullough, Ernest. Engineering work in Towns and Cities. 2d ed. Chicago: M. C. Clark, 1908. Pp. viii, 502.

Massachusetts Bureau of Statistics of Labor. First annual Report on the Comparative Statistics of Cities and Towns of Massachusetts. Boston: 1908.

Pinanski, A. E. The Street Railway System of Metropolitan Boston. New York: McGraw Publishing Company. Pp. 58.

Towler, W. G. Socialism in local Government. London. 1908.

Verfassung und Verwaltungsorganisation der Städte. 7 Bd. England-Frankreich-Nordamerika. Mit Beiträgen von F. W. Hirst, H. Berthelémy, Frank J. Goodnow, Delos F. Wilcox. In Auftrag des Vereins für Socialpolitik hrsg. Leipzig: Duncker and Humblot. Pp. xvii, 227, 299.

POLITICAL THEORY

Books

Dickinson, G. Lowes. Justice and Liberty: A Political Dialogue. New York: McClure. Pp. 256.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Duguit, Léon. Le droit social, le droit individuel et la transformation de l'état. Paris: F. Alcan.

Grabowsky, Adolf. Recht und Staat. Leipzig: Rothschild. Pp. 95.

Jellinek, Georg. Die sozialethische Bedeutung v. Recht, Unrecht und Strafe. 2d ed. Berlin: O. Häring. Pp. vi, 139.

MacCunn, John. Six Radical Thinkers. London: Longmans. Pp. 266.

Picard, Edmond. Le droit pur. Paris: Libraire Flammarion. Pp. 407.

Roscher, Wilhelm. Politik. Geschichtliche Naturlehre der Monarchie, Aristokratie, und Demokratie. 3d ed. Stuttgart. J. G. Cotta. Pp. x, 722.

MISCELLANEOUS

Books

Bacon, Henry Martin. Voters' Handbook and Citizens' Manual for Illinois. Chicago: Callaghan, 1908. Pp. vi, 163.

Baker, Ray Stannard. Following the Color Line. New York: Doubleday, Page and Company. Pp. 350.

Crichfield, G. W. American Supremacy: The rise and Progress of the Latin American Republics and their Relation to the United States under the Monroe Doctrine. New York: Brentano. 2 vols.

Curti, Theodor and *Giesen, A.* Das Wahlrecht. Geschichte und Kritik. Frankfort. Pp. vii, 80.

Fay, C. R. Coöperation at Home and Abroad. London: P. S. King. Pp. xvi, 403.

Fromes, A. Code electoral belge. Brussels: Larcier. Pp. 229.

Fuller, R. H. Government by the People: The Laws and Customs Regulating the Election System and Political Parties in the United States. New York: The Macmillan Company. Pp. 14, 261.

Gray, B. Kirkman. Philanthropy and the State, or Social Politics. London: P. S. King.

Handwörterbuch der Staatswissenschaften. Hrsg. von J. Conrad, L. Elster, W. Lexis, und E. Loening. 3d ed. Vol. I. Jena: G. Fischer. Pp. xii, 1232.

Haney, Lewis Henry. A Congressional History of Railways in the United States. Vol. I: Congress and the Railways down to 1850. Madison: Democrat Printing Company. Pp. 273.

Ivins, William M. and *Mason, H. D.* The Control of Public Utilities. New York: Baker, Voorhis and Company. Pp. 1229.

Lecky, W. E. H. Historical and Political Essays. New York: Longmans. Pp. 324.

Mahan, A. T. Naval Administration and Warfare. Boston: Little, Brown and Company. Pp. xiv, 409.

Merriam, Charles Edward. Primary Elections: A Study of the History and Tendencies of Primary Election Legislation. Chicago: University of Chicago Press. Pp. xi, 308.

Rappard, William. Des Corporations d'affaires au Massachusetts. Paris: Giard et Brière. Pp. 278.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Schouler, James. Ideals of the Republic. Boston: Little, Brown and Company. Pp. xi, 304.

Smith, J. Russell. The Ocean Carrier. New York: G. P. Putnam's Sons.

Stone, Alfred Holt. Studies in the American Race Problem. New York: Doubleday, Page and Company.

Articles in Periodicals

Direct Legislation. Some Experiments in Direct Legislation, *R. T. Platt.* Yale L. Jr. November.

Direct Legislation. Popular Legislation in the United States—The Development of the System. *C. S. Lobingier.* Pol. Sci. Quar. December.

Direct Legislation. Popular Legislation in the United States—The Value of the System. *J. B. Sanborn.* Pol. Sci. Quar. December.

House of Commons. Amendments in the House of Commons Procedure since 1881. *E. Porritt.* Am. Pol. Sci. Rev. November.

RECENT GOVERNMENT PUBLICATIONS OF POLITICAL INTEREST

PHILIP DEWITT PHAIR

UNITED STATES[1]

American historical association, Annual report of the, for 1906. 2 vols. Cloth, v. 1, 95c.; v. 2, $1.00.

Dept. of State, Extracts from Revised Statutes and statutes at large relating to the diplomatic and consular service, and foreign relations. 1908. 150 pp. *Dept. of state.*

Insurance, List of works, relating to Government regulation of, United States and foreign countries. 2d ed. 1908. 67 pp. *Library of congress.* Paper, 15c.

Message and documents, Abridgment of. 1907. 2 vols. Cloth, v. 1, 90c.; v. 2, $1.

Philippine commission, Eighth annual report, 1907. 4 v. *War dept.* Cloth, v. 1, 75c.; v. 2, $1; v. 2, appendix, 75c.; v. 3, 70c.

ARGENTINE REPUBLIC

Conferencia internacional de la paix, La República Argentina en la segunda. Haya, 1907. 207 pp.

BOLIVIA

Colonizacion y agricultura, Memoria que presenta el Ministro de, al Congreso ordinario de 1908. 65, lxiii pp.

[1] When prices are given, the document in question may be obtained for the amount mentioned, from the Superintendent of Documents, Government Printing Office, Washington, D. C.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CAPE OF GOOD HOPE

Contract labour, Report of the select committee on imported. 1908. xiv, 109, iii pp. *House of assembly.*

CHILE

Relaciones esteriores, Memoria del Ministerio de, presentada al Congreso nacional, 1903–1905. 199 pp. *Departamento de relaciones esteriores.*

COLOMBIA

Mensaje del examo. Sr. Presidente de la republica e informes de los Ministros del despacho ejecutivo dirigidos a la Asamblea nacional constituyente y legislativa. 1908. xxxi, 111 pp.

FRANCE

Conférence internationale de la paix, Deuxième. 1907. Documents diplomatiques. Supplément. Table analytique des matières. Paris, 1908. 50 pp.. *Ministère des affaires étrangères.*

GREAT BRITAIN[1]

Asiatics in the Transvaal, Further correspondence relating to legislation affecting. 1908. *Colonial office.* (cd. 4327.) 6d.

Belfast health commission, Report of the. 1908. (cd. 4128.) 5s. 4d.

British and foreign state papers. 1903–1904. Vol. 97. *Foreign office.* 10s.

China treaties, Hertslet's. In force on the 1st January, 1908. Third edition. 2 vols. *Foreign office.* 35s.

Colonial service, Regulations for His Majesty's. 1908. 138 pp. *Colonial office.* 1s.

Feeble minded, Report of the Royal commission on the care and control of the. 1908. Vols. 1–7 (cd. 4215 to 4221). 41s. 8d.

Home work, Report from select committee on. 1908. *House of commons.* (H. of C. paper 246.) 2s. 1½d.

Indian Factory labour commission, Report of the. 1908. Vol. 1. (cd. 4292). 1s. 6d.

Irish railways, Fourth report of the Vice-regal Commission on. 1908. (cd. 4204, 4205.) 3s. 9½d.

Lotteries and indecent advertisements, Report from the joint select committee on. 1908. *Parliament.* (H. of C. paper, 1908, No. 275.) 1s.

Metropolitan police, Report of the Royal commission on the duties of the. 1908. Vol. 2 (cd. 4260), 5s. 10d.; vol. 3 (cd. 4261), 6s. 6d.

Natal, Further correspondence relating to native affairs in. 1908. *Colonial office.* (cd. 4328.) 1s.

[1] Official publications of Great Britain, India and many of the British colonies may be purchased of P. S. King & Son, Orchard House, 2 and 4 Great Smith Street, Westminster, London. Cd. refers to papers presented to Parliament by command.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Port of London bill, Report from joint select committee on. 1908. *Parliament.* (H. of C. paper, 1908, No. 288.) 5s. 7d.

Sanitary measures in India, Report on, 1906–1907. Vol. 40. *India office.* (cd. 4314.) 1s. 2d.

Sewage, Fifth report of the Royal commission on methods of treatment and disposing of. 1908. (Cd. 4278), 2s. 9d.; app. 1 (cd. 4279), 9s. 7d.; app. 2 (cd. 4280), 1s. 10d.; app. 5 (cd. 4283), 2s. 8d.; app. 6 (cd. 4284), 9s. 7d.; app. 7 (cd. 4285), 1s. 2d.; app. 8 (cd. 4286), 3d.

Whiskey and other potable spirits, Report of the Royal commission on. Minutes of evidence and appendices, vol. 1. 1908. (Cd. 4181.) 3s. 9½d.

PANAMA

Relaciones exteriores, Mémoria presentada por el Secretario de, à la Asamblea nacional de 1908. lxxxix pp. *Secretaria de relaciones exteriores.*

TRANSVAAL

Indigency commission, Report of the Transvaal. 1906–1908. Pretoria. 2 vols.

INTERNATIONAL

Esclaves, Documents relatifs à la répression de la traite des, publiés, en exécution des articles lxxxi et suivants de l'acte général de Bruxelles. 1907. Bruxelles. 1908 338 pp.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED